

Chapter 18

SOLID WASTE MANAGEMENT*

***Editor's note**—Chapter 18, Arts. I–III, §§ 18-1–18-10, 18-21–18-25, 18-41–18-44, was deleted as being superseded by the provisions of an ordinance adopted May 17, 1993, included herein as a new Ch. 18 at discretion of the editor. Former Ch. 18 pertained to similar subject matter and derived from an ordinance adopted Dec. 17, 1990, §§ 1–6, 7.1–7.4, 8.1, 8.2, 9–11.

Cross reference—Health and pollution, Ch. 10.

State law references—Authority to provide for the collection and disposal of garbage, trash and rubbish, G.S. § 7-148(c)(4)(H); authority to establish garbage and refuse disposal facilities, G.S. § 7-148(c)(6)(A)(i).



Sec. 18-1. Preamble.

(a) *Authority.* Section 7-148(b)(4)(H) (The Home Rule Act), section 22a-220 and 22a-220a of the General Statutes of Connecticut allow municipalities to regulate solid waste collection and disposal and to prescribe the disposal site for solid waste generated within its boundaries. Section 22a-241b(b), requires a municipality to provide for the recycling of any item designated by the Department of Environmental Protection as recyclable, generated within its boundaries. The Town of Madison is empowered to enact such regulations in order to comply with the provisions of the Connecticut General Statutes regarding the separation, recovery, collection, removal, storage, preparation, and disposition of refuse, recyclables, bulky waste and hazardous waste. Violations of this chapter shall be subject to the provisions of sections 18-10 and 18-11 herein, and to sections 22a-226, 22a-226a, 22a-226b, 22a-226c of the Connecticut General Statutes. The provisions and remedies under this chapter shall not be considered exclusive and shall be in addition to any other provisions provided for in the Home Rule Act, the Charter and Ordinances of the Town of Madison, any section of the General Statutes, or which are available at common law.

(b) *Statement of purpose.* The purpose of this chapter is to regulate the flow of solid waste and recyclables generated or disposed of within the town, to promote, protect and preserve the health, safety and general welfare of the people of the town, and to comply with the state laws and regulations.

It is hereby declared to be in the public interest that the accumulation, preparation, removal, storage, collection, transportation and disposal of solid waste be regulated so as to prohibit the harboring and spreading of rodents and insects, to prevent the spread of disease, to minimize the potential for air, surface and groundwater pollution and to prevent unsightliness resulting in a reduction of the quality of life.

The town is authorized by law to regulate the disposition of refuse generated within its boundaries, to collect a charge therefor and to license or permit collectors, and to designate the place of disposal and an area for disposal prior to disposal

pursuant to section 22a-220a of the General Statutes.

In order to protect the public health, safety and welfare, the Town of Madison has executed a municipal contract dated November 1, 1987, which provides for a longterm solid waste disposal system which will conserve landfill space and recover energy from solid waste but will still allow the municipality to encourage and promote recycling.

The municipal contract requires the town to cause all acceptable solid waste generated within its boundaries, except for recycled materials, to be delivered to the system.

The enactment of this chapter is in furtherance of the Town of Madison's Solid Waste Disposal Plan.

(Ord. of 5-17-93)

Sec. 18-2. Definitions.

For the purpose of this chapter, the following words and terms shall have the meaning hereto assigned to them. The word "shall" is always mandatory.

Bulky waste means construction debris, demolition material, street sweepings, and oversized bulky items including, but not limited to, tree stumps, logs and branches.

Cardboard means corrugated boxes and similar corrugated and kraft paper materials which have a minimum of contamination by food or other material.

Commercial collector means any person, firm, corporation, or partnership engaged in the business of and/or charging a fee for the collection, transportation and disposition of solid waste, refuse or recyclables.

Commercial property means those buildings or portions of buildings occupied for commercial use.

Dry-cell battery means a device used for generating electric current through a chemical reaction, including nickel-cadmium, carbon and alkaline batteries.

Dwelling unit means a building or portion of a building designed for occupancy, and so occupied, by one (1) family.

Glass means any glass bottle or jar of any size or shape used to package food or beverage products suitable for human or animal consumption. Excludes any windows, mirrors, plates, and ceramics and any colored glass, except clear, green and brown glass.

Hazardous waste as defined in section 22a-115, of the General Statutes.

HDPE plastic container means high-density polyethylene bottle or jar of any size or shape used to package food, household laundry products or crankcase oil.

Initial waste disposal site means the Guilford/Madison Transfer Station and is the site approved by the Town of Madison for disposal of solid waste prior to disposal at the SCRRA facility in Preston, Connecticut.

Metal food container means an aluminum, bi-metal, steel, tinplated steel, or other metallic can, plate or tray of any size or shape used to package food or beverage products suitable for human or animal consumption.

Municipal contract means the contract between Southeastern Connecticut Regional Resources Recovery Authority (SCRRA) and the Town of Madison and Guilford to provide solid waste management services.

Municipal waste disposal site means the Guilford/Madison Transfer Station and is the site approved by the Town of Madison for disposal of solid waste prior to disposal at the SCRRA facility in Preston, Connecticut.

Newspaper means used or discarded newsprint which has a minimum of contamination by food or other material. Newsprint includes all inserts associated with the newspaper, but excludes all magazines, bulk mail, envelopes.

Office paper means used or discarded high-grade white paper and manila paper including, but not limited to, paper utilized for file folders, tab cards, writing, typing, printing, computer printing, and photocopying, which is suitable for recycling and which has a minimum of contamination.

Permit means the document issued by the town to license a commercial collector to collect, trans-

port or dispose of solid waste, refuse or recyclables within the town.

PET plastic container means polyethylene terephthalate container, used to package soft drink beverages.

Recyclable materials means uncontaminated items generated within the town of and designated by the commissioner of environmental protection, under section 22a-241b of the Connecticut General Statutes, or described in section 18-7(b) of this chapter.

Recycle means to separate or divert an item or items from the solid waste stream for the purposes of processing it or causing it to be processed into a material product, including the production of compost, in order to provide for disposition of the item or items in a manner, other than incineration or landfilling, which will best protect the environment. Nothing in this definition shall preclude the use of waste oil or wood chips as fuel.

Recycling center means the Town of Madison's recycling facility, area or areas as designated by the board of selectmen.

Refuse means, for the purpose of this chapter, unwanted, discarded or contaminated materials generated within the town, including solid, semi-solid or contained gaseous materials, but excluding septic tank pumpings, sludge, bulky wastes and wastes which are toxic or hazardous.

Resident means, for the purpose of this chapter, those individuals who reside, occupy or own real property, or operate a business in the town.

Residential property means real estate containing one (1) or more dwelling unit, but shall not include hospitals, motels, or hotels.

Scrap metal means used or discarded items which consist predominately of ferrous metals, aluminum, brass, copper, lead, chromium, tin, nickel or alloys thereof.

SCRRA means Southeastern Connecticut Regional Resources Recovery Authority.

Solid waste means unwanted, or discarded as useless or worthless materials generated within the town, including solid, semisolid, or contained gaseous material, but excluding septic tank pump-

ings, sludge, bulky waste and wastes which are toxic or hazardous.

Solid waste disposal site means the SCRRA facility at Preston, Connecticut.

System means the solid waste disposal and resources recovery system as established and implemented by the Southeastern Connecticut Regional Resources Recovery Authority (SCRRA) and the Town of Madison pursuant to Chapter 103b of the Connecticut General Statutes.

Tires means discarded rubber or synthetic rubber tires used by or manufactured for vehicles.

Storage battery means lead acid batteries or other batteries used in motor vehicles such as automobiles, airplanes, boats and like applications.

Waste oil means crankcase oil that has been utilized in internal combustion engines.
(Ord. of 5-17-93)

Sec. 18-3. Permits and regulations for commercial collectors.

(a) *Permit required.*

- (1) Any commercial collector, collecting, transporting, and disposing of solid waste, refuse, bulky waste or recyclables in the town shall require a permit issued by the town. A license shall be applied for on forms provided by the board of selectmen. In order to qualify for a permit, an applicant must present documents and information to the town to assure the municipality that the applicant possesses the financial and other qualifications and has available the necessary equipment to adequately perform the service of collection, transportation, storage and removal of refuse.
- (2) Such documents and information shall include, but not be limited to, the following:
 - a. A certified application on a form provided by the board of selectmen.
 - b. A list of the names and addresses of any and all persons owning an interest in the applicant's business.
 - c. A description of the area served by the applicant by street names or a map

marked to show the area and streets served.

- d. A list of the names and addresses of the applicant's customers residing or located within the town. Said list is to be held by the town as confidential and will only be used by town officials to enforce this chapter and the town's solid waste disposal plan.
- e. A schedule of the days of the week the collector will pick up in Madison.
- f. A certificate declaring, under penalty of false statement as provided in the General Statutes of the State of Connecticut, that no person, partner, joint venturer, employer, employee, principal, agent or shareholder associated with the applicant has violated this chapter or the collector contract within the past twelve (12) months or is under a period of permit suspension or revocation at the time of application or a statement completely and accurately describing any such suspension, revocation, violation or alleged violation.
- g. A list and description of the vehicles to be used for collection in Madison.
- h. A list of all other municipalities from which such collector hauls solid waste refuse or recyclables.
- i. A certification that all collection and transportation vehicles and equipment used by the applicant in this municipality for collection, transportation or storage of refuse comply with all applicable safety requirements.
- j. Proof of compliance with any bond or other financial security required by the town.
- k. Evidence of current insurance in place showing coverage satisfactory to the town, including Worker's Compensation, Comprehensive General Liability covering both blanket contractual liability and personal injury; Comprehensive Automobile Liability Insurance, combined single limit under all liability shall not be less than five hundred thousand dollars (\$500,000.00) Such limits are subject to adjustment at the

sole discretion of the board of selectmen and may be changed at any time by regulations of the board.

- (3) All fees for the permit shall be set by the board of selectmen. Existing permits or licenses obtained prior to the enactment of this chapter shall remain valid until June 30, 1993; however, permittees may be required to submit additional information. Such information must be submitted with[in] ten (10) days of the town's request for the information.
- (4) The town shall have thirty (30) days from the date of application before issuing a permit.
- (5) Each permittee will provide the town on July 1 of each year, and more often as requested by the town, a signed statement that the information submitted to the town remains correct in all respects or with corrected information as outlined in 18-3(b); statistics of tonnage of recyclables and solid waste collected in the town and the place or places of disposal; and such other information as the board of selectmen may require.
- (6) Falsification of records and information required by this section shall constitute grounds for the denial or revocation of the collector's license.
- (7) A permit obtained from the town is not transferable or assignable. All commercial collectors shall notify the town with[in] ten (10) days of the sale of all or significant portions of established routes. Permit requirements shall apply to all subcontractors, agents, or related companies that engage in solid waste, refuse, recyclables or bulky waste collection in the town.
- (8) Denial or revocation of a permit may be warranted if the applicant has not submitted all information requested or has been irresponsible in the conduct of collection and/or hauling operations based upon previous suspensions and/or revocations of licenses or permits or based upon violation of any regulation enacted by the board of selectmen.
- (9) No permit shall be issued to any applicant if any person, partner, joint venturer, employer, principal or agent associated with the applicant, shareholder who owns more than ten (10) percent of such applicant's stock, or employee having some responsibility for the applicant's business is, at the time of application associated with any person, collector, or other business which is under a period of permit suspension or revocation in accordance with the terms of this chapter, or has been associated with any such person, collector, or other business during a period of suspension or revocation of the permittee of such person, collector, or other business, which suspension or revocation remains in effect at the time of application.
- (10) No permit shall be issued after June 30, 1993, unless the applicant has signed a collector contract committing him to take proper responsibility for his actions as a designee of the town under the terms of the municipal contract. Such collector contract shall be prepared by the town attorney with the approval of the first selectman and shall include language requiring liquidated damages as compensation for damages to the municipality caused by any violation of contracts or rules regarding the solid waste disposal system or plan or any regulations promulgated by the town.
- (11) One (1) permit may be issued to each applicant hereunder, whether such applicant is an individual, partnership or corporation and regardless of the number of vehicles such applicant uses in the collection of refuse. Copies of the permit must be carried on each vehicle used by the permittee.
 - (b) *Compliance.* To assure compliance with this chapter, all permittees, prior to beginning operation within the town, shall deposit with the town a cash bond or other security acceptable to the board of selectmen, in the amount of one thousand dollars (\$1,000.00).
 - (c) *Commercial collectors.* The following regulations shall apply to all commercial collectors

holding permits or licenses in accordance with the above provisions or operating within the town.

- (1) All disposal of solid waste and refuse generated within the town shall be made at the disposal areas established by the town and in accordance with the rules and regulations of said areas established by the town.
 - (2) No commercial collector shall dispose of solid waste and/or refuse or recyclables generated outside of the Town of Guilford and Madison at the disposal areas designated by the Town of Madison without the prior written consent of the board of selectmen.
 - (3) All commercial collectors shall have prominently displayed on the side doors of all vehicles, the name and address of the permittee.
 - (4) All refuse containers with a capacity of greater than one-half ($\frac{1}{2}$) cubic yard and recycling containers shall have the owner's name clearly labeled on at least one (1) side of the container. Such labels shall be clearly readable from the distance of twenty-five (25) feet. Recycling containers must be clearly marked as containing recyclable waste.
- (d) *Exemptions.* The town and residents of the town who are not engaged in the business of collecting solid waste shall be exempt from the permit requirements of this chapter.
(Ord. of 5-17-93)

Sec. 18-4. Regulations of solid waste and refuse.

The following regulations shall apply to all residents and commercial collectors of solid waste operating within the town:

- (1) *Collection and transportation of refuse:* No person other than this municipality shall engage in the business of collection, storage or removal of refuse in this municipality, unless such person shall first apply for and obtain a permit from the town.

Collectors shall keep their premises neat and orderly and shall keep all vehicles, con-

tainers and equipment in good and sanitary condition, and said vehicles, containers and equipment shall be constructed, equipped, maintained and operated so as to permit no loss of refuse, including liquid waste, therefrom when said vehicles are being used; provided, however, that any vehicle is to be used for the sole purpose of transporting refuse, as defined in this chapter, shall not be required to be constructed or operated to prevent the escape of liquid waste. All vehicles and containers shall have canvas or other suitable covers approved by the health director.

The transportation of refuse by any person, whether or not a collector, shall be subject to the provisions of this chapter.

No person shall transport unacceptable waste to the initial solid waste disposal area.

Upon the recommendation of the first selectman, the board of selectmen shall take such measures as it deems effectual for the removal or collection of garbage, refuse and other waste materials from the municipality and may, in such years when a determination and sufficient appropriation for the same has been made for such purpose, employ or make contracts with one (1) or more persons or corporations for the removal or collections of garbage, refuse or other waste material.

- (2) *Disposal of refuse.* Any person residing or having a place of business in the municipality shall be responsible for the removal of his refuse to a lawful place for disposal either by himself or by a lawful collector, or if the municipality elects to provide collection service, by the town. Violations of this chapter may subject any person to a fine of one hundred dollars (\$100.00) for each separate violation.

No refuse collected, generated or disposed of in this municipality shall be deposited for disposal except at such sites and under such conditions as may be approved by the town.

The use of the municipal solid waste disposal area shall be at a person's or his agents risk and shall be subject to the following conditions: In consideration of the grants and privileges to use the municipal waste disposal area, the person or his agent shall, as a condition precedent, release the municipality from any right of action, claim or demand which may otherwise accrue to him by reason of the loss of any of his property while in, upon or about the premises at any municipal solid waste disposal area and further agrees for such consideration to indemnify the municipality and save it harmless from all claims, demands, actions, costs and charges to which the municipality may be subject or which it may have to pay by reason of injury to any person or property or loss of life or property suffered or sustained by any said person or agent while in, upon or about the premises of the municipal solid waste disposal area.

Material governed by the Public Health Code of the State of Connecticut and designated by the health director as contaminated and condemned shall be destroyed under the supervision of the health director.

Any person delivering refuse to the municipal solid waste disposal area may be required to show identification in such form as is approved by the director of public works and which may include a sticker or other identification to be displayed on each vehicle.

If it is necessary or desirable to do so for the sake of clarity or to protect the interests of the municipality, the first selectman may prepare additional municipal regulations governing the use of the system with the approval of the board of selectmen. Such regulations shall be effective when they are approved. A copy of such regulations shall be delivered by certified mail to each of the persons possessing a permit hereunder and a copy of such regulations shall be placed on file with the town clerk.

Any person using the system shall report refuse collected or generated within the

limits of this municipality as being from this municipality to the system operators and shall report any refuse collected or generated outside the limits of this municipality as being from the city or town in which it was collected.

All persons shall deliver or cause to be delivered to the system, pursuant to the terms of the municipal contract, all of the acceptable solid waste generated within the boundaries of this municipality except pre-segregated recyclable materials.

- (3) *Outside receptacles.* No person owning or occupying property within the town shall place any receptacle for refuse, trash or other debris within the limits of any public highway. Any receptacle used for the outside storage of refuse, trash or other household waste shall be of sufficient strength and durability to prevent dispersal of the contents thereof by marauding animals or the elements.

- (4) *Performance criteria:*

- a. The town effective June 22, 1984, has designated the Guilford/Madison Transfer Station, Route 1, Guilford, Connecticut as the initial waste disposal site for all solid waste and refuse generated within the Town of Madison. All such solid waste will thereafter be transported to the solid waste disposal site. The prompt delivery of solid waste generated and/or collected in the town is necessary for the proper operation of said transfer station and for the efficient operation of the system. Unless the transfer station is closed, failure to deliver waste to the transfer station within twenty-four (24) hours of the end of the day's pick up will be prima facie evidence of violation of this chapter. If a licensed collector fails to transfer solid waste to the transfer station in amounts reasonably predictable based on statistical information derived from the collector's compliance with section 18-3(a) of this chapter, it will be pre-

sumed that the licensed collector is in violation of this chapter.

- b. Each or any loads or refuse transported to the Guilford/Madison transfer station, by any commercial collector or resident, is subject to inspection by authorized employees of said transfer station, or agents of the board of selectmen. All recyclable materials, as described in section 18-7 of this chapter, as the same may be amended, shall be separated from solid waste. Solid waste which is not separate from the recyclable materials may not be permitted to be dumped. The dumping of, or attempt to dump unseparated refuse may result in penalties, as described in section 18-10 of this chapter. In addition, commercial collectors shall notify the Madison Recycling Coordinator of persons responsible for discharging significant amounts of recyclables not separated from their refuse and solid waste.
- c. No person shall dump any material upon any public property in the state or upon private property in this state not owned by him whether from a vehicle or otherwise, except when such property is designated by the state or any political subdivision thereof for dumping and such person is authorized to use such property. The town may require any violator to remove material dumped. In addition, fines may be levied against any violator in accordance with section 18-10 of this chapter and provisions of the General Statutes.

(Ord. of 5-17-93)

Sec. 18-5. Bulky waste.

Bulky waste may not be collected or mixed with solid waste or refuse. It shall be delivered and disposed of at such place and time as the board of selectmen may designate. Applicable charges, established by the board of selectmen, shall be paid by person or persons delivering the waste.

(Ord. of 5-17-93)

Sec. 18-6. Hazardous waste.

The safe and sanitary disposal of toxic or hazardous waste shall be the responsibility of the gen-

erator and shall be accomplished in a manner approved by the Connecticut Commissioner of Environmental Protection. It is illegal to dispose of said material in any location designated for solid waste, refuse, bulky waste or recyclables. A household hazardous waste collection center called HazWaste Central located at 90 Sargent Drive, New Haven, Connecticut and operated in conjunction with the South Central Connecticut Regional Water Authority is currently available for use by Madison residents.

(Ord. of 5-17-93)

Sec. 18-7. Recyclable materials.

(a) Recyclable materials shall not be mixed with solid waste or refuse and shall be disposed of at any designated approved recycling locations in accordance with the rules and regulations of recycling centers established from time to time. The following items are considered recyclables for the purposes of separation, collection, transportation and disposition at the town's recycling center. Some or all of these items may be subject to existing permits and fees.

- (1) Newspapers;
- (2) Corrugated cardboard;
- (3) Metal food containers;
- (4) Glass food containers;
- (5) Office paper;
- (6) Tires;
- (7) Leaves;
- (8) Waste oil;
- (9) Storage batteries;
- (10) Scrap metal;
- (11) Other items as and when designated by the Commissioner of Environmental Protection and the board of selectmen.

It is not the intent of this chapter to restrict the right of any resident to choose any collection means available. At present, residents, but not commercial collectors, may use the recycling center located at the Guilford/Madison transfer station. At such time as the town shall establish

or designate a recycling center for use by commercial collectors, the disposition of recycling items in any location other than the designated recycling center is forbidden without the written consent of the board of selectmen. Commercial collectors are required to report quantities of recyclable material collected in the town, and disposed of at a place other [than] the Madison designated recycling center.

(b) *Possession of recyclables.* No person shall remove recyclable materials, as described in section 18-7(a) of this chapter from any town recycling center without authorization from the first selectman, or his authorized representatives. Recyclables being deposited at the town's recycling center become the property of the town. (Ord. of 5-17-93)

Sec. 18-8. Miscellaneous.

(a) *Littering.* Any private vehicle or any commercial collector vehicle carrying solid waste or recyclables within the town shall carry such material covered in such a manner so that it shall not blow or fall off the vehicle and create unsightly road conditions. No person shall operate or move any vehicle or other object containing paper, bottles, cans, refuse or other waste material of any kind in such manner that said waste material shall be thrown, placed or discharged in, on, upon or about any highway located in the town.

(b) *Outside storage of solid waste.* Any receptacle used for outside storage of solid waste, refuse or recyclable materials shall be of sufficient strength and durability to prevent dispersal of the contents thereof by animals or the elements. (Ord. of 5-17-93)

Sec. 18-9. Fees.

Pursuant to section 22a-220 of the Connecticut General Statutes, the Town of Madison is authorized to levy a charge for the disposal processing or sale of solid waste brought to the disposal facility or facilities or to a facility for the processing or sale of recyclable items provided by the town by persons other than those in the employ of the town. The board of selectmen is empowered to establish fees for the disposal of solid waste and refuse, bulky waste or recyclable materials, and

also is empowered to establish terms and conditions for payment of such fees.

Failure to pay any disposal fee established by this municipality shall be considered a violation of this chapter after any invoice for payment remains outstanding for more than thirty (30) days. As soon as he becomes aware of it, the director of public works shall give written notice of this violation to the violator.

(Ord. of 5-17-93)

Sec. 18-10. Penalties for violations.

(a) *Notice of violations.* Whenever the director of public works has reasonable grounds to believe that there has been a violation of any provision of this chapter, he shall give notice of such violation to the person responsible therefor. Such notice shall be delivered either by hand or by certified mail to the last known address of the permittee, shall include a statement of the violation(s) and shall allow a reasonable time to remedy the violation(s). If corrective action is not taken within the time period allowed, the director of public works may take such action as is appropriate under section 18-10(b) of this chapter.

(b) *Suspension and revocation of permits; appeals.* A permit may be revoked because of a violation of any of the provisions of this chapter or any of the various plans, rules, regulations or contracts governing the use of the solid waste disposal system or for nonpayment of transfer station account. At the time the director of public works becomes aware of a violation, he shall give notice as specified in section 18-10(a). If the violation is not corrected within the specified period, the director of public works shall impose penalties and collect damages as provided for in this chapter and the collector contract.

Violation of this chapter or of rules, regulations or contracts may result in the following penalties:

- (1) First offense—Five hundred dollar (\$500.00) fine or partial forfeiture of bond;
- (2) Second offense—One thousand dollar (\$1,000.00) fine or forfeiture of bond and suspension of permit for thirty (30) days; and

- (3) Third offense—One thousand five hundred dollar (\$1,500.00) fine or forfeiture of bond and suspension of permit for one (1) year.
- (4) In the event of any forfeiture of a collector's bond, the collector must reinstate and increase his bond to maintain the sum of two thousand dollars (\$2,000.00) as security deposit in order to maintain a valid permit. Reinstatement of the amount forfeited must occur with[in] five (5) calendar days of forfeiture.

Any persons aggrieved by the imposition of a fine or by a decision to forfeit his bond or to suspend or revoke a permit may, with[in] seven (7) days of the date of such notice, appeal such decision by submitting a written request to the first selectman for hearing before the board of selectmen. The board of selectmen shall conduct a hearing at its next regularly scheduled meeting or within ten (10) business days of receipt of the written request.

(c) *Violations.* Any commercial collector operating within the town or any resident who violates the provisions of this chapter, shall be subject to an infraction summons and a fine up to one hundred dollars (\$100.00) for each violation.

(d) *Violations without permit.* Any commercial collector operating within the town, either without a permit required under this chapter or while his permit issued under this chapter has been suspended shall be subject to an infraction summons and a fine of one hundred dollars (\$100.00) for each unauthorized pickup such commercial collector makes within the Town of Madison, and all fines and penalties provided in the General Statutes. The town may report violations to the Commissioner of the Department of Environmental Protection to seek enforcement by the Attorney General of the State of Connecticut of section 22a-226 of the General Statutes.

(e) *Unlawful waste disposal.* Any commercial collector who dumps more than one (1) cubic foot in volume of solid waste at one (1) time in an area not designated for such disposal by the town, or who knowingly mixes other waste with items des-

ignated for recycling pursuant to this chapter shall for a first violation be liable for a civil penalty of one thousand dollars (\$1,000.00) for each violation and five thousand dollars (\$5,000.00) for a subsequent violation pursuant to section 22a-220a(f) of the Connecticut General Statutes, and the town may bring an action against any such collector under said section.

(Ord. of 5-17-93)

Sec. 18-11. Hearing.

Upon timely request by a person or company cited for violation of this chapter and subject to the notice and scheduling requirements provided in section 18-10, the board of selectmen shall conduct a hearing which shall be open to the public at which the commercial collector may present evidence in support of its claim that its bond should not be forfeited and/or its license to operate within the town should not be suspended. The commercial collector may be represented by counsel and may present testimony, documentation or other evidence in support of its position, and may cross examine any persons testifying against it. The board of selectmen, based on the evidence presented at the hearing, shall make its decision and advise the collector of said decision by certified mail. If said decision includes suspension or revocation of a permit, a copy of said decision shall be sent to the transfer station.

(Ord. of 5-17-93)

Sec. 18-12. Validity.

If any section, paragraph, sentence, clause, or phase of this chapter shall for any reason be held to be invalid or unconstitutional by a decree or decision of any court of competent jurisdiction, such decree or decision shall not affect or impair the validity of any other section or remaining portion of this chapter.

This chapter shall govern in the event inconsistencies are determined to occur with existing ordinances, resolutions, regulations or other documents.

All previous ordinances and regulations of the Town of Madison pertaining to the segregation, collection, transportation, licensing, and disposal of solid waste inconsistent with this chapter are

hereby rescinded. Notwithstanding the above, designation of the Guilford/Madison Transfer Station, Route 1, Guilford, Connecticut, as the town's initial waste disposal area pursuant to State Statute effective June 27, 1984, remains in full force and effect.

This chapter shall take effect on June 10, 1993.
(Ord. of 5-17-93)