

**1 ORDINANCE 19-2008**

**ORDINANCE OF THE BOROUGH OF MADISON AMENDING  
CHAPTER 107 OF THE BOROUGH CODE ENTITLED  
“GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES”**

WHEREAS, certain amendments to the Madison Municipal Solid Waste and Recycling ordinance are needed pursuant to the Morris County Solid Waste Management Plan (hereinafter “County Plan”); and

WHEREAS, the Borough Council has determined to make such amendments to comply with the updated County Plan.

NOW, THEREFORE, BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey, that Chapter 107 of the Madison Borough Code entitled “**GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES**”, shall be deleted and replaced and amended in its entirety so as to read:

**Chapter 107  
GARBAGE, MUNICIPAL SOLID WASTE AND RECYCLABLES**

**Article I General Conditions and Definitions**

§ 107-1. Authorization to adopt collection and disposal rules and regulations.

- A. The Borough Council may make provision, either by contract or through its own employees or otherwise, as circumstances may require, for the collection and disposal of commercial and residential solid waste and recyclables; and it may also determine from time to time the extent and frequency of collections and make suitable rules and regulations with respect to the same.
- B. The Borough Council may from time to time determine what material may be placed for collection as commercial and/or residential solid waste and as recyclables and may change the designations of each as conditions require in accordance with the Morris County Solid

Waste Management Plan.

§ 107-2. Definitions.

A. As used in this chapter the following terms shall have the meanings indicated:

**COMMINGLED RECYCLABLES** — Glass bottles and jars, aluminum cans, bimetal cans, tin cans and plastic bottles;

**DESIGNATED RECYCLABLE MATERIALS-** means those materials designated within the Morris County District Solid Waste Management Plan to be source separated for the purpose of recycling. These materials include:

**Aluminum Cans** - Cans made from aluminum that was manufactured to hold a serving of a beverage. Specifically omitted from this definition are aluminum foil and aluminum pie plates.

**Glass Bottles and Jars** - Bottles and jars made from glass including clear, brown and green glass. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. A jar is defined as a wide mouthed container that can be capped. Caps and lids not included. Specifically omitted from this definition are drinking glasses, windows, mirrors, light bulbs, and anything made of Pyrex® or ceramic.

**Plastic Bottles (coded 1 and 2)** - Plastic bottles coded to indicate that they are comprised of the specific types of plastic compounds (polymers) known as polyethylene terephthalate (PETE) or high density polyethylene (HDPE). See symbols to the left. A bottle is defined as a receptacle having a narrow neck and a mouth that can be corked or capped. Caps and lids not included. Any item made of plastic that is not a bottle, and any plastic bottle without one of the symbols shown to the left is specifically omitted from this definition. Empty bottles which contained hazardous materials, such as motor oil, antifreeze, etc. should not be recycled.



**Steel (Tin) Cans** - An air-tight container for the distribution or storage of goods, composed of thin, usually ferrous, metal. Examples are soup cans and tuna fish cans.

**Newspaper** - A publication containing news, information and advertising, usually printed on low-cost paper called newsprint. Newspaper may include glossy inserts which come with the paper, dependent upon the market conditions at the time.

**Corrugated Cardboard** - Shipping containers made with kraft paper linerboard and corrugated medium.

**Mixed Paper** - Various categories of recyclable paper including, but not limited to white and colored paper used in printers, photocopiers and fax machines, white and colored ledger paper, carbonless copy paper, construction paper, undeliverable mail, mailed promotional letters/advertisements/circulars, magazines, catalogues, envelopes, soft cover books.

**Leaves** - Vegetative material, typically generated in the autumn when they fall from trees and then are raked from residents' and/or commercial lawns.

**Grass Clippings** - Vegetative material generated when grass (lawns) are cut.

Brush - Branches, woody plants and other similar vegetative material. Leaves and grass do not constitute brush.

Natural Wood Waste - Logs, stumps, branches and other wood tree parts. Dimensional lumber is omitted from inclusion in this definition.

Oil-Contaminated Soil - Non-hazardous soil that contains petroleum hydrocarbons (gasoline, diesel, kerosene, jet fuel, #4 & #6 heating oils and certain other refinery products including coal tar). This type of soil shall be determined to be non-hazardous in accordance with the standards set forth in N.J.A.C. 7:26.

Used Motor Oil - Motor oil from motor vehicles, lawn mowers, boats, etc., which has served its intended useful purpose.

Lead-Acid Batteries - Storage batteries in which the electrodes are grids of lead containing lead oxides that change in composition during charging and discharging, and the electrolyte is dilute sulfuric acid. These include starting batteries such as car batteries that deliver a short burst of high power to start the engine. In addition, they may include deep cell batteries found on boats or campers used to power accessories like trolling motors, winches or lights.

Hazardous Dry Cell Batteries - Rechargeable batteries, such as nickel-cadmium, nickel-iron, nickel metal hydride, lithium ion, small sealed lead acid, etc. These are often used as substitutes for non-rechargeable batteries in standard sizes such as AAA, AA, C, D and 9V. Rechargeable batteries are commonly found in cordless tools, cellular and cordless phones, laptop computers, cameras, remote controls, toys, etc. Also included in this definition are non-rechargeable batteries that are hazardous as defined by the Resource Conservation Recovery Act ("RCRA"), regardless of the RCRA exclusion of household waste from the definition of hazardous waste pursuant to 40 C.F.R. 261.4(b). Non-rechargeable, hazardous batteries include older alkaline and carbon zinc batteries as well as silver oxide, mercury and magnesium button-type batteries, etc. It should be noted that domestically manufactured alkaline and carbon zinc non-rechargeable batteries made after circa 1994 eliminated mercury content to the point that they should not be considered RCRA hazardous and therefore are not included in this material category.

Metal Appliances - Appliances composed predominantly of metal, and may include stoves, washing machines and dryers, for example, if the appliance is predominantly metal. Also included are air conditioners, refrigerators and dehumidifiers if they are predominantly metal. If these appliances on the latter list contain refrigerants that are prohibited by the Clean Air Act from being knowingly vented, the refrigerant must be recovered accordingly.

Whole Tires\* - Tires that are whole, not chipped into small pieces.

\*Tires are allowed to be recycled and/or incinerated for energy recovery.;

**ELECTRONIC WASTE** – shall mean a computer central processing unit and associated hardware including keyboards, modems, printers scanners and fax machines; a cathode ray tube, a cathode ray tube device, a flat panel display or similar video display device with a screen that is greater than 4 inches measured diagonally and that contains one or more circuit boards, including a television, and cell phones.

**MEDICAL FACILITY** — Offices of physicians and dentists, veterinary clinics, medical testing laboratories, hospitals, health-care facilities and other establishments which generate medical waste.

**MEDICAL WASTE** — All solid waste generated by a medical facility, including but not limited to tongue depressors, cotton swabs, medical gloves, surgical gowns, table paper, bandages and gauze, needles and syringes, pathological wastes, liquids, throat cultures and similar waste material. This term shall not include office waste, food waste and other solid waste which is unrelated to any medical use.

**MEDICAL WASTE, INFECTIOUS** — All medical waste which consists of needles and syringes, pathological wastes, all liquids in excess of 20 cubic centimeters, throat cultures and similar waste.

**MEDICAL WASTE, NONINFECTIOUS** — All medical waste which does not constitute "infectious medical waste."

**MULTIFAMILY DWELLING** – means any building or structure, or complex of buildings in which three or more dwelling units are owner-occupied or rented or leased, or offered for rental or lease, for residential purposes (see NJSA 13:1E-99.13a.) and shall include hotels, motels, or other guest houses serving transient or seasonal guests as those terms are defined under subsection (j) of section 3 of the “Hotel and Multiple Dwelling Law,” P.L. 1967, c. 76 (C.55: 13A-1 et seq.).

**MUNICIPAL RECYCLING COORDINATOR** – means the person or persons appointed by the municipal governing body to fulfill the requirements of the Morris County Solid Waste Management Plan and the New Jersey Statewide Mandatory Source Separation and Recycling Act and those rules and regulations promulgated therefore.

**MUNICIPAL RECYCLING ENFORCEMENT COORDINATOR** – means the person or persons named by the municipality who shall fulfill the responsibilities with respect to recycling enforcement coordination detailed in the March 2007 Morris County Solid Waste Management Plan Amendment Section 8.6. This person may be the same person designated as the Municipal Recycling Coordinator.

**MUNICIPAL SOLID WASTE (MSW) STREAM** – means all solid waste generated at residential, commercial, and institutional establishments within the boundaries of the municipality of the Borough of Madison which is not bulky waste or construction and demolition debris.

**RECYCLABLE MATERIAL** – means those materials which would otherwise become solid waste, and which may be collected, separated, or processed and returned to the economic mainstream in the form of raw materials or products.

**SOURCE-SEPARATED RECYCLABLE MATERIALS** – means recyclable materials which are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

**SOURCE SEPARATION** – means the process by which recyclable materials are separated at the point of generation by the generator thereof from solid waste for the purposes of recycling.

B. All other definitions and regulations for the collection, transportation and disposal of residential and commercial solid waste and recyclables are set forth in the current contracts for curbside collection and disposal of solid waste and curbside collection and disposal of recyclables executed by the borough with private corporations. These contracts are on file in the office of the Borough Clerk and may be examined upon request.

§ 107-3 Source Separation; Exemption From Source Separation Requirements

A. Mandatory source separation: It shall be mandatory for all persons who are owners, tenants, or occupants of residential and non-residential premises, which shall include but not be limited to retail and other commercial locations, as well as government, schools and other institutional locations within the municipality of the Borough of Madison, to separate designated recyclable materials from all solid waste. Designated recyclable materials shall be deposited separate and apart from other solid waste generated by the owners, tenants, or occupants of such premises. Designated recyclable materials shall be placed separately at the curb in a manner and on such days and times as may be hereinafter established by regulations promulgated by the Borough of Madison.

B. Exemptions: Pursuant to N.J.S.A. 13:1E-99.16.6.(d), the governing body of a municipality may exempt persons occupying commercial or institutional premises within its municipal boundaries from the source separation requirements of the ordinance which requires persons generating municipal solid waste within its municipal boundaries to source separate from the municipal solid waste stream, the specified recyclable materials if those persons have otherwise provided for the recycling of all designated recyclable materials. To be eligible for an exemption pursuant to this Chapter, a commercial or institutional generator of solid waste shall file an application for exemption with the municipal recycling coordinator on forms to be provided for this purpose. The form shall include, at a minimum, the following information: the name of the commercial or institutional entity; the street address location and lot and block designation; the name, official title and phone number of the person making application on behalf of the commercial or institutional entity; the name, address, official contact person and telephone number of the facility which provides the service of recycling those designated recyclable materials, and a certification that the designated recyclable materials will be recycled, and that, at least on an annual basis, said recycling service provider or commercial/institutional generator shall provide written documentation to the municipal recycling coordinator of the total number of tons collected and recycled for each designated material.

§ 107-4. Preparation for collection; prohibited locations.

- A. All residential and commercial solid waste and recyclables shall be placed at the curbside or other collection area designated by the borough for collection, and the same shall be placed in appropriate containers for collection as described herein and pursuant to contract regulations. Containers shall be placed as near as possible to or along the curbside.
- B. No refuse, grass clippings, yard waste, hedge clippings, shrubbery clippings, tree branches, tree cuttings or other similar material shall be placed, pushed, blown, raked or swept in or onto any public walk or sidewalk so as to interfere with public travel.
- C. Curbside collection of solid waste and recyclables is prohibited on Main Street from Park Avenue to Prospect Street, on Park Avenue from Main Street to Ridgedale Avenue, on Waverly Place and on Lincoln Place. For these locations, a collection point must be established, maintained and kept clear at the rear of the building. Where multiple commercial and/or residential establishments use the same collection point, each container must be clearly marked to identify the owner.
- D. No leaves, grass clippings, hedge clippings, tree branches, tree cuttings, yard waste or other similar material shall be placed in any manner in any street at any time. Leaves placed for collection during fall pickup shall not be placed in any manner in a street.

§ 107-5. Containers.

- A. Each resident or commercial establishment shall be responsible for providing sufficient containers so as to keep all solid waste and recyclables contained therein, except for those items defined in the contract as "large items" which are too large to fit into a container. Such containers shall be watertight and strong enough so that their contents do not fall out when the containers are picked up and emptied.
- B. Solid waste shall be placed in garbage cans such that the container and its contents shall not weigh more than 80 pounds. Such garbage cans shall not exceed 39 gallons in capacity and shall have tight-fitting lids and handles.
- C. Commingled recyclables shall be placed in reusable containers or garbage cans such that the container and its contents shall not weigh more than 80 pounds.
- D. Newsprint may be combined and placed in strong brown kraft paper bags or tied in bundles. Bundles shall not weigh more than 25 pounds each.
- E. Yard waste, other than leaves, shall be placed in containers not greater than thirty-gallon capacity. The container and its contents shall not weigh more than 80 pounds. Twigs and branches shall be cut to no more than four-foot lengths and may be tied with twine or heavy cotton cord.

§ 107-6. Hours for collection.

- A. No solid waste or recyclables shall be placed at the curbside or collection area before 7:00 p.m. on the evening before the day of collection, except as otherwise provided in this chapter.
- B. No container, receptacle or uncollected material shall be left at the curbside or collection area later than 8:00 p.m. on the day of collection.

§ 107-7. Metal appliances; charge for removal.

- A. Metal appliances, defined in § 107-2, including stoves, refrigerators, freezers, washing machines, dryers, dish washers and air conditioners may be placed at the curbside no more than two days prior to the day of collection. Refrigerator and freezer doors and any other dangerous attachments must be removed prior to placement for collection.
- B. Metal appliances will be picked up by borough employees. Prior arrangements must be made with the Public Works Department. A charge will be imposed for their removal as set forth in § 107-8.

§ 107-8. Fees for collection.

The following fees will be charged for the pickup of refrigerators, freezers, air conditioners and other white goods and heavy appliances. Fees are to be paid to the Borough Clerk prior to making arrangements for pickup.

- A. Refrigerators and freezers containing Freon: \$25.
- B. Air conditioners: \$25. [Amended 8-11-2003 by Ord. No. 37-2003]
- C. All other metal appliances: \$25. [Amended 8-11-2003 by Ord. No. 37-2003]

§ 107-9. Cleanup.

The owner of any receptacle, container, packaged or bundled solid waste and/or recyclable placed for collection shall be responsible for cleaning and policing the curbside or collection area in the event that said receptacle, container, package or bundle is broken and the solid waste and/or recyclable is scattered.

§ 107-10. Dogs.

No person owning, keeping or harboring a dog shall permit, suffer or allow said dog to damage any receptacle or container or to scatter or otherwise disturb any garbage and/or recyclables placed for collection.

§ 107-11. Residential Dwelling Compliance Requirements

The owner of any property shall be responsible for compliance with this Ordinance. For multifamily units, the management or owner is responsible for setting up and maintaining the recycling system, including collection of recyclable materials, in accordance with guidelines or regulations established by the appropriate municipal office. Violations and penalty notices will be directed to the owner or management, in those instances where the violator is not easily identifiable. The management shall issue notification and collection rules to new tenants when they arrive and every 6 months during their occupancy.

#### § 107-12. Non-Residential Establishment Compliance Requirements

- A. All non-residential generators, including commercial, industrial and institutional establishments, of solid waste shall be required to comply with the provisions of this Ordinance.
- B. The arrangement for collection of designated recyclables hereunder shall be the responsibility of the commercial, institutional or industrial property owner or their designee, unless the municipality provides for the collection of designated recyclable materials. All commercial, institutional or industrial properties which provide outdoors litter receptacles and disposal service for their contents shall also provide receptacles for designated recyclable materials, for those materials commonly deposited, in the location of the litter receptacle, and shall provide for separate recycling service for their contents.
- C. All non-residential facilities shall report on an annual basis to the Municipal Recycling Coordinator, on such forms as may be prescribed, on recycling activities at their premises, including the amount of recycled material, by material type, collected and recycled and the vendor or vendors providing recycling service.
- D. All food service establishments, as defined in the Health Code, shall, in addition to compliance with all other recycling requirements, be required to recycle grease and/or cooking oil created in the processing of food or food products, and maintain such records as may be prescribed, for inspection by any code enforcement officer.

#### **Article II New Developments of Certain Properties**

##### § 107-13 New Developments of Multi-Family Residential Units or Commercial, Institutional, or Industrial Properties (Pursuant to N.J.S.A. 13:1E-99.13a and 99.16.6.c.)

- A. Any application to the planning board of the Borough of Madison, for subdivision or site plan approval for the construction of multi-family dwellings of three or more units, single family developments of 50 or more units or any commercial, institutional, or industrial development for the utilization of 1,000 square feet or more of land, must include a recycling plan. This plan must contain, at a minimum, the following:



- 1) A detailed analysis of the expected composition and amounts of solid waste and recyclables generated at the proposed development; and
  - 2) Locations documented on the application's site plan that provide for convenient recycling opportunities for all owners, tenants, and occupants. The recycling area shall be of sufficient size, convenient location and contain other attributes (signage, lighting, fencing, etc.) as may be determined by the municipal recycling coordinator.
- B. Prior to the issuance of a Certificate of Occupancy by the Borough of Madison, the owner of any new multi-family housing or commercial, institutional, or industrial development must supply a copy of a duly executed contract with a hauling company for the purposes of collection and recycling of source-separated recyclable materials, in those instances where the municipality does not otherwise provide this service.
- C. Provision shall be made for the indoor, or enclosed outdoor, storage and pickup of solid waste, to be approved by the municipal engineer.

#### § 107-14 Prohibition of the Collection of Solid Waste Mixed with Recyclable Materials

- A. It shall be unlawful for solid waste collectors to collect solid waste that is mixed with, or contains visible signs of, designated recyclable materials. It is also unlawful for solid waste collectors to remove for disposal those bags or containers of solid waste which visibly display a warning notice sticker or some other device indicating that the load of solid waste contains designated recyclable materials.
- B. It shall be the responsibility of the resident or occupant to properly segregate the uncollected solid waste for proper disposal or recycling. Allowing such unseparated solid waste and recyclables to accumulate will be considered a violation of this article and the local sanitary code.
- C. Once placed in the location identified by this Ordinance, or any rules or regulations promulgated pursuant to this Ordinance, no person, other than those authorized by the municipality, shall tamper with, collect, remove, or otherwise handle designated recyclable materials.

### **ARTICLE III Enforcement, Penalties and Regulations**

#### § 107-15. Enforcement; random inspections.

- A. Except as otherwise provided, provisions of this chapter shall be enforced by the Madison Superintendent of Public Works. The Superintendent may delegate said enforcement responsibilities to one or more employees of the Borough of Madison as deemed necessary and appropriate for effective enforcement.

- B. Random inspections of garbage set out for collection can be conducted in order to determine if recyclable materials are included.
- C. The provisions of Article VI, Medical Waste, shall be enforced by the Madison Health Officer. The Health Officer may delegate said enforcement responsibilities to one or more employees of the Borough of Madison as deemed necessary and appropriate for effective enforcement.

§ 107-16. Violations and penalties.

Any person, corporation, occupant, or entity that violates or fails to comply with any provision of this ordinance or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not less than \$25, nor more than \$1,000. Each day such violation shall be continued shall be deemed to be a separate and distinct offense.

§ 107-17. Regulations.

The Superintendent of Public Works and the Recycling Coordinator are hereby authorized and directed to promulgate such reasonable regulations as necessary for the efficient operation of the solid waste and recycling collection programs, respectively, including but not limited to the manner, days and times of collection. Said regulations may also establish reasonable exceptions from the recycling requirements, such as for physically disabled or handicapped persons. Such regulations shall take effect only after adoption by resolution of the Borough Council. Such regulations may be amended from time to time by the same procedure as deemed necessary and appropriate.

**ARTICLE IV Recyclable Materials**

§ 107-18. Recycling mandated.

- A. There is hereby established a mandatory recycling program for all residential, commercial and institutional establishments of the borough for the purpose of separating recyclable materials, as defined in § 107-2, from other waste.
- B. As set forth in N.J.S.A. 13:1E-99.13.3.b.(4)(c), and section 9.2 (b) of the Morris County Solid Waste Management Plan, the Borough of Madison accepts the goal of 50% recycling of municipal solid waste by 2015 and shall monitor its level of recycling and solid waste disposal and shall strive to achieve the recycling of 50% of the municipal solid waste generated within its borders.
- C. To achieve the fifty-percent objective, all residential dwellings, institutional, commercial and industrial businesses shall source separate designated materials from all other solid waste for recycling.
- D. All persons who are owners, lessees or occupants of any residential or commercial property in the Borough of Madison shall separate and exclude all recyclable materials, as defined

herein and as may be changed or augmented from time to time by the Borough Council or other governmental agency of competent jurisdiction, from all other solid waste which is put at the curbside or other collection point for collection.

- E. In multi-generator buildings, such as apartment buildings, hotels, condominiums or office buildings, the building management as well as the generator shall be responsible for compliance with material source separation recycling requirements mandated by the County of Morris and the Borough of Madison.

§ 107-19. Disposal of recyclable materials.

- A. Commingled recyclables, newsprint and residential corrugated cardboard shall be placed in containers or bundled as described in § 107-4 and placed at the curbside or other designated collection area or may be brought to the Recycling Center at the Public Works Garage.
- B. The owner, lessee or occupant of any commercial establishments shall be responsible for disposing of all recyclable materials through private contracts. Commingled recyclables, newsprint, office paper and/or cardboard may also be brought to the Recycling Center at the Public Works Garage. Documentation of recycling must be provided to the Recycling Coordinator as required.
- C. Yard waste shall be placed in containers or tied as described in § 107-4 and placed at the curbside or other designated collection area.
- D. Tires are to be brought to service stations or tire retailers.
- E. Vehicular batteries and motor oil are to be brought to service stations.
- F. Metal appliances are to be set at the curbside or other designated collection area to be picked up by borough employees as directed in § 107-7.
- G. Oil-contaminated soil and natural wood waste shall be brought to an accredited recycling facility.
- H. Household batteries are to be brought to the county recycling center during designated hazardous waste days.

§ 107-20. Commingled recyclables.

Prior to disposal, said owners, lessees or occupants shall remove the caps and shall rinse out glass and plastic bottles and aluminum and tin cans.

§ 107-21. Unauthorized collection prohibited.

From the time that recyclable materials are placed at the curbside for collection they shall become the property of the Borough of Madison or its authorized agents. It shall be a violation of this Article for any person to collect, pick up or cause to be collected or picked up any such material unless expressly authorized by the Borough of Madison. Each and every such

unauthorized collection in violation of this section shall constitute a separate and distinct offense and may be punishable as provided in §107-16.

§ 107-22. Sale or donation of recyclable materials permitted.

Nothing contained in this Article shall be deemed to prohibit any owner, lessee or occupant of any premises in the Borough of Madison from taking any recyclable material to any recycling center for sale or donation, nor shall it prohibit drives by nonprofit organizations or groups from collecting recyclable materials. Any such nonprofit organization or group shall obtain a permit from the Borough Clerk to conduct a recyclable materials collection drive.

## **ARTICLE V Recycling Coordinator**

§ 107-23. Appointment.

The Recycling Coordinator shall be appointed by the Borough Council, upon the recommendation of the Administrator, and shall be compensated as set forth in the Salary Ordinance. Editor's Note: See Ch. 42, Salaries and Compensation.

§ 107-24. Duties.

- A. The Recycling Coordinator shall compile all recycling documentation and shall file reports to the County of Morris and State of New Jersey as required and prescribed by laws or rules and regulations passed pursuant thereto.
- B. The Recycling Coordinator shall from time to time make recommendations to the Borough Council for changes in the recycling program which will enhance its effectiveness and/or bring it into compliance with changes in the law.
- C. The Recycling Coordinator shall assist the Clean Communities Coordinator implementing the New Jersey Clean Communities Grant Program.

§ 107-25. Distribution of public information.

The Recycling Coordinator shall prepare and distribute public information to residential, commercial, educational and nonprofit organizations and houses of worship in the Borough of Madison and other entities as enumerated in the Morris County Solid Waste Management Plan, which will promote and/or facilitate recycling and to summarize the recycling program and the general regulations of this chapter.

## **ARTICLE VI Medical Waste**

§ 107-26. Separation of medical waste required; applicability.

- A. All medical facilities shall exclude all medical waste from all solid waste to be collected as

part of the regular solid waste collection service within the Borough of Madison. The operator of such medical facility shall be responsible, at his or her own cost and expense, for making separate contractual arrangements for the collection and disposal of all medical waste in a lawful manner, which may require separate arrangements for infectious and noninfectious medical waste.

- B. The foregoing exclusion of medical waste from all other solid waste shall not apply to waste such as diapers, pill vials and bandages generated by an individual residential household; provided, however, that it shall be unlawful for medical waste from a medical facility to be included with any solid waste placed for collection at a residence or any other location as part of the regular solid waste collection service within the Borough of Madison.

§ 107-27. Collection of nonmedical solid waste from medical facilities.

The collection of nonmedical waste from medical facilities shall be provided in accordance with the applicable solid waste collection contract provided for by § 107-2B of this chapter; provided, however, that as a condition of such collection of nonmedical waste, the collection contractor may impose additional requirements, such as but not limited to the provision by the operator of a medical facility of satisfactory proof and/or a certification that separate contractual arrangements have been made for the collection and disposal of all medical waste from the medical facility and that no medical waste will be included with the nonmedical solid waste.

§ 107-28. Liability for borough costs.

Any person who fails to exclude medical waste from solid waste collected as part of the normal solid waste collection service within the borough in contravention of the requirements of this Article shall be liable for any additional costs imposed upon the borough in connection with the disposal of said medical waste.

**ARTICLE VII Severability**

§ 107-29. Severability.

If any section, sentence or any part of this chapter is adjudged unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remainder of this chapter.

ADOPTED AND APPROVED  
April 14, 2008

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MARY-ANNA HOLDEN, Mayor

Attest:

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**MARILYN SCHAEFER, Borough Clerk**

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