



CITY COUNCIL SPECIAL MEETING
Monday October 24th, 2022 - 6:00 p.m.
Franklin Library, Upstairs

or view only via Zoom: <https://us02web.zoom.us/j/83305507284>

or by phone: 1-312-626-6799, Meeting ID# 833 0550 7284

SALUTE TO THE FLAG

Agenda Item I.

Discussion on Trash Ordinance 03-23
(See Draft Below)

Agenda Item II.

Other Business

Adjournment

The City Council of the City of Franklin reserves the right to enter into non-public session when necessary, according to the provisions of RSA 91-A.

This location is accessible to the disabled. Those wishing to attend who are hearing or vision impaired may make their needs known by calling 934-3900 (voice), or through "Relay New Hampshire" 1-800-735-2964 (T.D./TRY)

Revised 10/11/22

SOLID WASTE ORDINANCE 03-23 - Chapter 257

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Twenty-Two

Be it ordained by the City Council of the City of Franklin that the existing Chapter 257, Solid Waste, of Franklin Municipal Code, be repealed in its entirety and replaced with the following:

Chapter 257 Solid Waste Article I

General Provisions

257-01 Purpose:

The purpose of this Chapter is to describe the procedures and requirements for the management, handling, and disposal of solid waste generated within the City of Franklin, New Hampshire. These provisions shall apply, but not be limited to all activities at the Franklin Transfer Station; Commercial Collection and Storage; Recycling; City provided Automated Curbside Collection by means of specialized containerized service using mechanized equipment, and all phases of solid waste enforcement. The proper management of solid waste is necessary in order to protect the health, safety and welfare of the citizens, property owners and visitors to the City of Franklin.

257-02 Definitions:

The following words and abbreviations used in this Ordinance shall mean and be defined as outlined below. Any other words not outlined below and used in this Ordinance shall have its commonly used and understood definition.

- a. Accepted Public Way: A street or road that has been formally accepted and approved by the City Council for public use and maintained by the city, as well as any New Hampshire Department of Transportation State Highway within city limits.
- b. Automated Curbside Collection System: The curbside solid waste collection system used by the City of Franklin by means of automated collection trucks and specialized containers lifted into trucks by mechanical arms. The term "Residential Curbside" is added below to specifically address residential versus "Commercial Curbside" Automated Collection, both of which are discussed later in this document.

- c. Base level Service: The automated curbside collection service level being provided to eligible properties as defined in this Ordinance for the curbside collection and disposal of municipal solid waste, and at the Transfer Station in compliance with facility "Transfer Station Guidelines."
- d. Bypass Waste: Waste that is diverted to the end source without passing through the transfer station.
- e. City: The City of Franklin, NH, including city staff or subcontractors.
- f. City Council: The legislative body of the city.
- g. Commercial Hauler: A private, licensed company, corporation, or individual that operates within the city for the collection and disposal of solid waste hired either by the city or by the residential or commercial property owner.
- h. Commercial Unit / Use: A Commercial property containing a business entity or similar use **and** a residential multifamily housing dwellings of three or more units or any combination thereof. The unit(s) may be an individual and/or stand-alone use, or it may be of mixed use with multiple business activities or commercial dwelling units.
- i. Concord Regional Solid Waste & Resource Recovery Cooperative (CRSWRRC): The Cooperative of which the city is a participating member where certain types of solid waste are disposed of for incineration; referred to as CRSWRRC in this Ordinance.
- j. Courtesy Notice: A notice, issued by the Director of Municipal Services or designee, under the enforcement provision outlined below, to inform a resident or property owners that they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first step in the overall enforcement process and is intended to be an educational and informational reminder for the proper preparation, handling, and management of municipal solid waste by the property owner.
- k. Construction & Demolition (C&D): All building and construction material not fit for processing at the incinerator or alternate facilities as specified in their regulations for delivery of materials.

- l. Contractor: A company contracted by the city to manage and provide municipal solid waste curbside collection services. Also, a contractor licensed to provide various types of solid waste collection services within city limits.
- m. Curbside Trash Container: Trash containers listed under Base Level Service that meet the specifications identified and suitable to be used by the city or their contractor to qualify for pickup by automated collection. These containers are specified by minimum and maximum size, lid color, manufacturer and other means.
- n. Customer: The individual property owner, tenant, lessee, or other party receiving the base level collection service provided by the city, or who uses the Transfer Station.
- o. Director: The Director of the Municipal Services Department or a designee(s) to act on the city's behalf to manage its Municipal Solid Waste Curbside Collection Program.
- p. Formal Notice of Noncompliance: A notice, issued by the Director of Municipal Services or designee under the enforcement provision outlined below, to inform a resident(s) or property owner(s) they are not in compliance with one or more provisions of this Ordinance. This notice may be used as the first or second step in the overall enforcement process. The issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.
- q. Gross Annual Tonnage: The amount of municipal solid waste that the city delivers to the CRSWRRRC and other permitted solid waste disposal facilities on an annual basis. This amount is annually calculated by the city and may change as the generation rates of municipal solid waste increase or decrease due to the various factors including: population growth, increases in the amount of solid waste generated, or general economic and market conditions.
- r. Hazardous Waste: All waste identified by the New Hampshire Department of Environmental Services and the NHDES Solid Waste Management Bureau requiring special handling, transport, and disposal.
- s. Incinerator: The facility being used by the city for the disposal and processing of solid waste, currently known as Win-Waste Innovations.
- t. Municipal Services Committee: The committee established by the City Council to advise the Department on operational and budgetary issues and referenced in this Ordinance.
- u. Municipal Services Department: The department of the city that is responsible for the collection, handling and transport of all solid waste and trash and recyclable materials and referenced in this Ordinance as the MSD.

- v. Neglect: The misuse of a city-issued container that results in breakage or other damage of the container so it cannot be properly used to hold the materials such as: the lid of the container is removed or the lid or body of the container is significantly cracked so rain can enter, the wheels do not function, it cannot be picked up by the automated trucks, or is otherwise rendered inoperable.
- w. Policies: This includes procedures and guidelines prepared by the Director of Municipal Services and city staff for the proper implementation and operation of the provisions of this Ordinance.
- x. Recyclable Materials: For the purposes of this Ordinance this included all of the materials accepted by the City for recycling which will be transported to firms contracted by the city for recycling services. These materials are generated by residential units and commercial properties for disposal at the Transfer Station. The Director will issue a list of acceptable items, which may change due to market, regulatory and economic conditions. There are a variety of recyclable materials:

Recyclables can be disposed of at the Transfer Station or other satellite collection centers. This category includes glass bottles, tires, metals, clothing, batteries, household appliances, waste oil, mercury-containing devices, non-burnable wood-waste and construction materials, leaves and yard waste, and other items included by the Director on the allowed-items list, which can be found in the written "Transfer Station Guidelines."

- y. Residential Unit: An individual residential dwelling used for habitation. A single-family home is one unit, a two-family structure is a two-unit building, and a multi-unit building or complex is designated by the number of individual units such as apartments, condominium complexes, mobile/manufactured home parks, or a mixed-use or cluster type of building development categorized as commercial use.
- z. Scavenging: The removal of, or the rummaging through, any form of solid waste (any recyclable or nonrecyclable material) from any container that has been placed at the curbside for collection by the city or for disposal at the Transfer Station.
- aa. Separation of Solid Waste: Items exempt from, or not accepted, for regular curbside municipal solid waste collection, which is acceptable at the Transfer Station in accordance with the State of N.H. issued permit to operate. Separated materials must be placed in the appropriate and approved containers for disposal at the Transfer Station.

- bb. Single Stream Recycling: A type of recycling program that allows for the mixing of all types of recyclable materials. The mixing is done by the homeowner or another resident, a business, or a property owner.
- cc. Solid Waste: This is the entire waste stream which includes both recyclable and nonrecyclable materials; also, sometimes referred to as the solid waste stream.
- dd. Special Waste: Hazardous and other types of wastes that are liquid, solid, gaseous or vapor in nature requiring special handling. This waste is not permitted to be disposed of at the Transfer Station or through Curbside Collection.
- ee. State or Federal Statute: Any State or Federal statute, law, regulation or policy intended to address any issue related to the collection, storage or disposal of any solid waste material or any unacceptable or prohibited material.
- ff. Transfer Station: The facility operated by the city, located on Punch Brook Road, where eligible residents, businesses, contractors and persons may deposit trash, recyclables, and various yard and construction waste materials. Please refer to Article III of the Ordinance and the "Transfer Station Guideline" for additional information.
- gg. Transfer Station Guidelines: A written information packet summarizing operational guidelines, facility rules and other pertinent information for the Public who use the facility. These guidelines are updated as needed by the Municipal Services Director for public distribution.
- hh. Trash: Typical Municipal Solid Waste (MSW), i.e., trash and garbage that is generated by a residential dwelling unit or a commercial property.
- ii. Unacceptable and Unapproved Waste: Waste not designated in the city's permit or not permitted in the solid waste stream by an applicable city Ordinance, State or Federal Statute or Law, or by firms contracted with the city to handle and dispose of the waste.

257-03 Administration of Chapter:

The Director of the Municipal Services Department or designee (hereinafter the "Director" and the "Department" respectively) shall have responsibility for the administration of this Chapter subject to the direction and control of the City Manager and the City Council. As deemed appropriate by the Director, certain responsibilities may be delegated to the Deputy Director or other appropriate city staff. As outlined below in Section 257-10, the Director shall have the full authority to make and enforce certain policies and procedures to carry out the purpose of this Chapter.

257-04 **Mandatory Separation:**

By and through this Ordinance, it is a requirement in the City of Franklin that all solid waste delivered to the Municipal Transfer Station be separated by type and disposed of in a designated appropriate container(s). The mixing of recyclable and nonrecyclable materials is a violation of this Chapter and subject to the appropriate enforcement procedures as outlined in Section 257-11. The reason for mandatory separation at the Transfer Station is to help manage, contain and control the costs associated with the disposal and management of solid waste by diverting as many recyclables and specialized types of solid waste from the stream as possible and in accordance with waste bans required by the State of New Hampshire. The listing of designated recyclable materials shall be prepared by the Director and included in the "Transfer Station Guidelines," which can be found on the city website under Transfer Station, and at the Municipal Services Department office. The list will also be available to civic and business organizations for use in their events and programs.

257-05 **Education:**

The City Council and the City Administration recognize that the most efficient, cost-effective way to handle and dispose of solid waste, is to design and implement a solid waste program, and educate the residents of the City of Franklin on ways to separate, reduce, reuse, and recycle as much solid waste as possible. The strong potential exists that the costs associated with the disposal of trash will continue to increase and one method of reducing the overall costs to the city is to recycle and separate as many materials as possible. While the markets for recyclables are always fluctuating, the costs of disposing of solid waste are generally lower than the costs of disposing of nonrecyclables if separated. Thus, the city along with interested individuals, schools, and civic organizations, will educate, inform, and encourage the residents and business owners regarding city solid waste collection and disposal methods. Educational outreach programs and information will be made available on the city website, through the schools, at community events, cooperative efforts with local businesses and in the local media. The City Council welcomes the cooperation and assistance of all residents in making Franklin a leader in programs that reduce, reuse and re-purpose all types of municipal solid waste.

257-06 **Unlawful Disposal; Out of City Refuse; Unacceptable and Prohibited Materials:**

It shall be a violation of this Chapter for any individual, business, property owner, or other person **or entity** to unlawfully dispose of any solid waste, hazardous waste or special waste in a manner not in accordance with the provisions of this Chapter or contrary to any policy, regulation or guidelines established hereunder, or any applicable state statute or regulation. The dumping or disposal of any type of waste generated from any location outside of the boundaries of the city shall also be considered a violation. The previous sentence notwithstanding, the burial/disposal of

ash on the CRSWRRRC property, or any future disposal agreement with the CRSWRRRC to use their land within the city, and approved by the City Council, shall be exempt from the restrictions of this Section. The penalties for any violation of this chapter will be as outlined in Section 257-11 below. Certain materials are not accepted and prohibited through the City Curbside Collection Program and at the Transfer Station. These materials may be banned through State or Federal Statutes or regulations, by the owner/operator of the incinerator where city trash is burned, any future final disposal location, or by City Ordinance per regulation. No individual shall dispose of or accumulate any unacceptable materials within the City on public or private property. The Department office can be contacted for a listing of such materials or will direct the party to an online list outlining such materials. Violations may be reported to the City of Franklin, Municipal Services Department at 43 West Bow Street or by calling 603-934-4103.

257-07 Obligation of Parties:

The City assumes no obligation under this Chapter to remove trash, recyclables, garbage, rubbish, or other solid waste that is not properly managed and containerized by the property owner in conformance with this Chapter. It shall be the duty of any person owning, or having under his or her control, any property in the City to keep the same free from paper, rubbish, garbage and any other types of accumulated waste that may be a fire hazard, or obnoxious or dangerous to the general health, safety or welfare of the public and surrounding properties. If the City's Property Maintenance code (chapter 233), the Fire Chief, the Health Officer, the Code Enforcement Officers, Municipal Services Director, or the City Manager makes a determination that said material constitutes such a hazard or danger, then the owner or the responsible party shall remove said materials if ordered to do so by the appropriate city official.

257-8 Use of Containers by others:

The use of containers intended for the management of solid waste, whether for residential, commercial or industrial purposes, and in place on the subject property, is limited to the property owner, tenants, or lessees. No unauthorized person shall place or dispose of any solid waste in said containers, and any such placement or disposal shall be considered a violation of this Chapter and subject to the enforcement provisions of Section 257-11. The containers issued by the city for the automated curbside collection program shall not be used by any individual for any other purpose other than the collection of curbside waste generated from within the city.

257-9 Anti-scavenging:

All solid waste and recyclable materials placed on the curbside for collection, or brought to the Transfer Station, are considered the property of the City of Franklin, and no scavenging of the materials is permitted. This section notwithstanding, the proper

management of the materials placed curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in Section 257-07.

257-10 Policies and Procedures:

The Director shall have the authority to create, and modify as needed, policies and procedures necessary and appropriate for the effective implementation of the provisions of this Chapter. These policies or procedures are intended to address specific sections of this Chapter outlined below, or the general management and disposal of the overall solid waste stream, and shall apply to the curbside pick-up program, the operation of the Transfer Station, and any private commercial collection services. This authority is deemed necessary by the City Council due to the variety of factors including, but not limited to: economic conditions, any changes to applicable State or Federal law or regulation that affects the disposal of solid waste and recyclables, or the availability of markets and/or disposal sites for either solid waste or recyclable materials. The Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in state or federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at their next available meeting for review and approval or modification as deemed appropriate by the Council.

257-11 Enforcement:

The violation of any provision of this Chapter shall be considered a violation of the Codes of the City of Franklin and may result in the issues of notices, fines, penalties, or prosecution through the appropriate court of jurisdiction. Each violation shall be considered a separate offense and each day a violation exists shall be a separate violation. The city shall seek compensation from the violator for the costs of any prosecution associated with the enforcement of this Chapter. Per Section 1-16, General Penalties of the City Code, the fines shall not exceed \$1,000 per violation. The Director reserves the right to issue Courtesy Notices intended to inform the property owner that certain materials are not authorized for pick-up or disposal. If two (2) Courtesy Notices are issued to an individual property within the previous three (3) months, then the next violation shall result in the issuance of a Formal Notice of Noncompliance. The forgoing sentence notwithstanding, the Director is authorized to issue formal notices at any point in time if deemed as an appropriate enforcement action. The Courtesy Notices or the Formal Notices of Noncompliance may be issued by the Director, the MSD's solid waste staff, or the City's Code Enforcement Division. Following the issuance of any formal Notice of Noncompliance, of which fines may be assessed, the Director is authorized to order a discontinuance of the curbside pickup

for the subject property or to prohibit the offending individual from using the Transfer Station. If such an order is issued, no curbside collection service or privileges for the Transfer Station shall be restored until the offender meets with the Director or his/her designee to discuss the violations and establish a mechanism to restore necessary compliance, and the Director is satisfied that a workable solution is achieved.

257-12 Complaints:

Any complaints brought by any property owner, tenant, lessee, or other affected party shall be made in writing to the Municipal Services Department.

257-13 to 19 [Reserved]

Article II Automated Containerized “Residential Curbside Collection Services”

257-20 Purpose:

The purpose of the residential curbside collection program is to provide an efficient, reliable and effective means of solid waste collection for city residential/noncommercial properties as specified per this Ordinance. Per the adoption of this Ordinance, the Franklin City Council is continuing with its current residential automated curbside collection program with the noted changes, which now differentiates between residential and commercial curbside collections. This will include the collection of residential household municipal solid waste, as well as commercial containerized commercial collection by means of an outside contractor(s) approved by the city to operate within city limits and to use CRSWRRC Facilities for disposal by means of registering annually on July 1 with the City Municipal Services Department. The sections below will address the automated collection service authorized and approved by the City Council and to be implemented by city staff per this Ordinance and the applicable policies, guidelines and regulations issued by the Director.

257-21 Transition from the City’s current Automated Containerized Curbside Collection Program / “Base Level Service” to an Automated “Residential” Containerized Curbside Collection Program / “Base Level Service”.

Until such time as the new automated residential curbside collection program is fully implemented, the current curbside collection practices and procedures will remain in effect. The city reserves the right to phase in the implementation of revised residential automated curbside collection program in order to more efficiently deal with and address any operational issues and resulting changes. During this transition period,

light commercial and multi-family dwellings three and over currently being serviced will be phased out consistent with this Ordinance. Those affected property owners will be notified in advance of changes to their service and provided options consistent with section 257-22 below.

257-22 **Base Level Service:**

The implementation of the automated residential curbside collection program is carried out through the creation of a **Base Level of Service** that is available to properties identified below. Properties not covered under the **Base Level of Service** will rely on individually contracted commercial services (see Article IV below). This residential Base Level Service will be carried out using the same city owned containers. See Section 257-23 for a description of the types and sizing of the containers to be used.

- a. **Single and two-family residences.** All such residences must be on accepted, maintained public ways. Some accessible private ways will continue to be eligible for base level residential curbside collection services provided by the city.
- b.
 - i. **Multifamily residential buildings with three units or greater.** These units are considered commercial entities under provisions of this Ordinance, and will **not be serviced** by the city Automated Residential Curbside Collection program.
 - ii. **Commercial properties.** These properties not be serviced by the city Automated Residential Curbside Collection program in conformance with the provisions of Sections 252-23 through Section 252-35.
- c. **Municipal Buildings, Public Schools (under the fiscal control of the Franklin School District) and Churches.** These facilities will be serviced by the city automated curbside collection program.
- d. **Properties on private roadways or unaccepted subdivisions/roadways.** These properties are potentially eligible for Automated Residential Curbside Collection service provided that the owner(s) or appropriate responsible parties provide the city with a Release of Liability, in a format acceptable to the City Solicitor, and the subject property is fully accessible, as determined by the Director, to the city's collection vehicles in all seasons. All requests to provide residential base level service to these properties must be made in writing, and a site visit by the Director shall be conducted on a periodic basis to determine the adequacy of the access and the ability to properly situate containers for the automated pick-up. The base level curbside collection service for these properties may be discontinued by the city at any time if the owner, developer, or the appropriate responsible party fails to maintain the road or access way so that the city's collection vehicles cannot properly, safely, and adequately access the subject properties for the automated collection. The Director may issue warning letters to these properties, but service

may also be immediately discontinued or stopped without notice if adequate access is not provided as determined by the Director.

- e. The following properties are **not eligible** for Automated **Residencial** Curbside Collection service provided by the city:
 - i. Condominium/apartment buildings or complexes, or multifamily buildings, with three or more individual residential dwellings;
 - ii. Mobile/ manufactured home parks, campgrounds, vacant lots and homes under an enforcement order for a Solid Waste Ordinance violation.
 - iii. Any property listed in Section “d” that does not provide the Release of Liability, and/or the access way is not reasonably accessible, as determined by the Director, to the collection vehicles.

257-23 Automated Residential Curbside Collection Containers for City and established “Base Level Service:” Sizing, Weight, Maximum Weekly Pick-up, Container Maintenance.

- a. The “Base Level Service” for the Automated Residential Curbside Collection will be accomplished using specialized containers designed for automated pickup by the city’s contracted service. Generally speaking, the containers supplied by the city will continue to be 48, 64, or 96 gallons in size.
- b. Only approved containers, as obtained through the city, shall be used by the eligible properties for curbside pickup. No non-automated configured containers or stand-alone bags shall be used by the customer for the purpose of curbside pickup. All municipal solid waste must be bagged and placed in the designated container with the lid closed. Over-packed containers should be avoided, as trash will not dump from the container if stuffed.
- c. For residential properties, two units and under, the maximum weekly amount of trash that will be picked at the curb by the city will not exceed 192 gallons. The total weight of trash placed in a container will not exceed 200 pounds. All containers of waste that exceed the “Base Level Service” amount must be disposed of at the Transfer Station or through the use of a residential, property owner purchase of a specified container from the city. Containers that become damaged or unsuitable for continued use will be required to be replaced through the city at the property owner’s expense.
- d. Appropriately sized city specified containers, or containers approved by the Director or designee, shall be provided by the city to each property owner eligible for curbside pickup at no charge up to the 192-gallon capacity. The Director or designee will work with the solid waste staff to determine the sized containers for individual properties based on the amount of trash a property generates. Historic solid waste generation rates and/or trash audits may be conducted to determine the properly sized containers to be provided to each eligible residential property.

Upon implementation of this ordinance, all excess containers (over base level service) will be removed from the property.

- e. If a property owner/customer finds that the size of the container is not adequate then the MSD office should be contacted to discuss an exchange and upgrade of the container unit. A “trash audit” discussed in Section 257-35 below, might be used to determine the need for an increase in the size of the container and/or number of containers.
- f. For single-family and two-family units, the Director shall determine how many containers will be provided. More than one unit might be required to share trash containers based on site specific conditions and circumstances.
- g. The containers are the property of the City of Franklin and are not to be removed from the property even in the event of a change in ownership or resident status. All automated containers shall be assigned to a street address.
- h. Any repairs to the city-owned containers will be performed by city staff. The property owner/customer shall contact the MSD office to report damage and request a repair. Containers damaged beyond repair must be replaced by the city. The city reserves the right to charge for container replacement at a cost consistent with Chapter 160 “Fees” of the Franklin City Code.
- i. The terms of paragraph “h” above aside, if the containers are subject to neglect or other damage by the property owner as determined by the Director, the Director may issue a Notice of Noncompliance letter to the owner and/or customer indicating that the next repair necessary due to neglect or abuse will result in a charge for the repair or replacement of the container at a cost to the property owner or tenant. Similarly, if the containers are improperly removed from the property, the owner may be charged for the next replacement container. The property owners are ultimately responsible for all property owner damages or missing containers, and the owner shall work to educate the household members and/or tenants on the proper use, placement and maintenance of the containers.
- j. If a container is stolen from a specific property, then the owner or resident shall contact the MSD office to report the theft.

257-24 Automated Residential Curbside Collection Schedule and Holiday Schedules:

The collection schedule for pickup shall be prepared by the Director or designee. The schedule will be available at City Hall, the Transfer Station, and the MSD Office, on the city website, “Transfer Station Guidelines,” and in educational materials distributed through the schools and civic organizations. The Holiday Schedule will be approved by the Director and a complete Holiday Collection Schedule will be posted in January of each year. Delays due to unforeseen circumstance, such as snow storms or mechanical issues, will be posted on the home page of the city’s website.

257-25 Preparation of Materials for Residential and Commercial Automated Curbside Containerized Collection:

- a. For the containerized automated collection program both, commercial and residential, all trash shall be placed into the appropriate containers so that the lid can be securely shut. No solid waste placed on the ground or on top of a container or in any unapproved containers will be picked up by the city or its contractor. The containers shall not be overfilled or arranged in any manner that will prevent the lid from remaining closed at all times to prevent water from filling the container or to provide access to animals. If containers are improperly placed, overfilled or contain unacceptable items, the city or contractor reserves the right to refuse container pickup.
- b. Any spillage from any containers placed for curbside pickup such as that resulting from animals, wind-blown litter and other weather conditions etc., shall be the responsibility of the owner/customer to clean up. City staff or contractor will not pick up or clean up such spillage. The city strongly recommends that all residents take care to protect the containers against spillage, wind-blown litter, vandalism and intrusion by animals.
- c. All trash must be bagged before placing it into the trash container.
- d. In the event of inclement weather or mechanical breakdowns resulting in a disruption to the pickup schedule, the container should be left out for pick up the following day and placed in a manner as not to interfere with snow removal operations.

257-26 Placement of Containers:

- a. For the automated residential and commercial curbside containerized collection program, the containers shall be placed at the curb-line and outside of the travel way and off the edge of the paved roadway at the end of the driveway apron, or at another appropriate location so that it is accessible for automated truck pickup. It is essential that containers be placed three feet apart and four feet away from any type of fixed object including but not limited to parked vehicles, mail boxes, trees, utility poles, overhead wires, etc. In selected cases, the Director or designee may designate a specific location for the placement of containers.
- b. The containers shall be in place ready for collection by 6:45 AM on the designated collection day. The containers shall not be placed out for collection before 5 PM on the previous day.
- c. City staff or contractor will not cross over private property to pick up solid waste materials.
- d. The container handle must be facing inward toward the residence to allow for the automated truck to properly pickup and dump the container.

257-27 Removal of Empty Containers:

Empty containers shall be removed from the collection point by the end of the collection day and properly stored on the owners' property. Containers that are not removed from the point of collection within 24 hours after being emptied may be removed by the city or contractor for noncompliance.

257-28 Approved Materials for Pickup:

Waste can be placed in both green and gray lid containers. Recyclable materials shall be mixed in with regular household trash. Recycling of certain household items may be dropped off at the Transfer Station in accordance with the "Transfer Station Guidelines." See section 257-29 below for prohibited / acceptable and unacceptable items.

257-29 Prohibited and Unacceptable Materials and/or Hazardous Waste:

Certain materials will not be collected by the city or the contractor at the curbside. These items include but are not limited to: sand, stone, or brick products, construction or demolition/building materials, electronics of any type, household appliances, auto parts, waste oil, paint, furniture, automotive part, oils of any type, yard waste or tree limbs/roots, hot ashes, asbestos, propane tanks, pressurized containers, mercury containing devices, and scrap metal. If any resident has a question on whether or not an item is accepted or prohibited, they can contact the MSD office for more information. The Director is authorized to make a final determination as to what constitutes prohibited and unacceptable materials. Many of the items listed above are accepted at the Transfer Station for recycling or general disposal, some of which require a fee. (See Article III for more information on the Transfer Station). No hazardous materials or waste are permitted to be placed out for curbside pickup. All hazardous materials shall be disposed of at a city sponsored or sanctioned hazardous waste collection day, or at a regional collection facility authorized to accept hazardous materials.

257-30 City's Right to Refuse Pickup:

For the automated collection program in general, if the Director or designee determine that materials being placed out for curbside pickup are unacceptable, or if the materials are not properly containerized or managed per the provisions of this Ordinance, then the city reserves the right to not pickup said materials. The property owner or resident will then be responsible for removing the materials from the curb or other location and properly disposing of the materials at the Transfer Station or other appropriate disposal facility.

257-31 Policies and Procedures:

As outlined in Section 257-10, above, the Director has the authority to create and modify policies and procedures for the implementation of the curbside collection program as conditions warrant.

257-32 **Complaints:**

Complaints regarding missed pick up of trash shall be addressed by calling the company contracted by the city for the purpose of residential curbside collection services. All other complaints shall be made in writing to the MSD Director by filling out an "Service Request Form" available at City Hall on the city website.

257-33 **Notification for Noncompliance:**

As outlined in Section 257-11, the Director and other city staff identified in this Ordinance are authorized to issue Notices of Noncompliance when it is determined that a property is in violation of the provisions of this Ordinance. The issuance of two (2) Notices of Noncompliance may result in the loss of service for curbside pickup until and unless the property owner/customer meets with the Director or designee to discuss the violations and establish a mechanism to bring the property into compliance.

257-34 [Reserved]

257-35 **Enforcement:**

In addition to the Enforcement provision discussed in Section 257-11 above, the city reserves the right to conduct Trash Audits for the purpose of reviewing compliance with the provisions of this Ordinance. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in noncompliance then the information gathered through the trash audit may be used to issue penalties or an order to stop curbside pickup per § 257-33.

Article III Transfer Station

257-41 **Purpose:**

The Franklin Transfer Station provides an alternative method to city residents and commercial customers for the disposal of solid waste, recyclable and nonrecyclable materials that are generated within the boundaries of the City of Franklin. The disposal of certain waste products (for example, appliances, tires, electronics, construction and demolition debris, glass, yard waste, waste oil, mercury containing devices; batteries, propane tanks, certain light bulbs etc.,) may require a handling fee due to the disposal charges paid for by the city for these items to redirect them to various markets. Each July the Director of Municipal Services provides an update for customers entitled the "Transfer Station Guidelines." The purpose of this document is to update customers on fees, operational changes and any other factual information necessary to keep residents and commercial customers informed. These guidelines are available on the city website, at the Transfer Station and the Municipal Services Department office.

257-42 **Days and Hours of Operation:**

The Director shall establish days and hours of operation for the Transfer Station. These will be posted at the Transfer Station, on the city's website, at City Hall and the Municipal Services Department office, and outlined in the educational and information packages for solid waste management prepared by the city. Any change to the hours will be posted on the city website and will be listed in the "Transfer Station Guidelines."

257-43 Authority of Staff, Enforcement:

The staff of the Transfer Station reserve the right to not accept any solid waste materials that fails to conform to the policies and disposal procedures as established through this Ordinance or by the "Transfer Station Guidelines." The enforcement provisions of Section 257-11 shall apply.

257-44 Transfer Station, Establishment of a "Base Level Service", Permits and Decals:

All vehicles and commercial haulers received at the Transfer Station shall have a decal permanently attached to the passenger side of the vehicle. Decals are available at the Transfer Station or the MSD office. Decals are reserved for citizens and property owners of Franklin to deposit trash, special waste, and recyclables on an unlimited basis. All residential trash disposed at the transfer station will be placed in a City of Franklin trash bag purchased at participating retailers. Any trash not bagged in City designated bags will be disposed of by scale weight; see Chapter 160, Fees, of the Franklin City Code. All other commercial haulers, packers, roll off containers etc., are prohibited from using the Transfer Station - their materials must be taken directly to a licensed facility - see Article V for further discussions on commercial collection services. The city reserves the right to refuse disposal if alternative means of disposal make more sense. Diverting such solid waste will result in bypassing the Transfer Station thus reducing the amount of handling and trucking costs.

257-45 Use of the Transfer Station by Nonresidents and Contractors:

Nonresidents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the City of Franklin must obtain an authorization permit from the MSD office. Proper documentation of the source (like a tax bill, letter of authorization, contract between property owner and contractor), and type and amount of materials, must be provided when requesting a permit. All applicable disposal policies, regulations and fees will be in effect for the issuance of the permit.

257-46 Anti-scavenging:

As noted in Section 257-9 above, all solid waste deposited at the Transfer Station is considered to be the property of the city.

257-47 Mandatory Separation:

As noted in Section 257-04, the City of Franklin requires that all items be separated from household trash. The Transfer Station has specific containers for the disposal of such materials. The policies and regulations issued by the Director shall identify the complete list of all materials that are accepted by the city. This list can be found in the "Transfer Station Guidelines."

257-48 Disposal of recyclables and other materials at the Transfer Station:

As addressed in the 247-41 above, the Transfer Station provides for the disposal of certain other items that are outside of the normal waste stream and are not eligible to be picked up by the automated curbside collection program(s). Some of these materials may ultimately be recyclable or reusable. A complete list of all accepted materials will be issued and updated in the "Transfer Station Guidelines." A disposal fee is required for certain items as authorized by the Franklin City Council. Chapter 160, Fees, of the City Code contains the approved fees, but the Director is authorized to implement emergency fees after consulting with the City Manager when deemed necessary by changes in State or Federal waste disposal statutes or laws, or if the disposal fee of any outside vendor changes. Any such emergency fees shall be submitted to the City Council at its next available meeting for review and approval or modification as deemed appropriate by the Council.

257-49 Handling and Management of Materials at, and on route to, the Transfer Station: All vehicles, including cars, trucks, trailers and commercial haulers, etc., shall properly cover and contain any and all materials being transported to the Transfer Station so as to prevent the spillage of litter and blowing of materials onto the public roadway. Failure to provide such covering, resulting in the spillage and blowing of any materials onto the roadway, shall be considered a violation of this Chapter and the violator may be subject to the enforcement provisions of Section 257-11. The provisions of State RSA 266:72, which contains similar provisions and state requirements for the proper transport and handling of all materials, shall also apply.

257-50 to 54 [Reserved]

Article IV Automated Containerized Commercial Curbside Collection Service for Commercial Containers and Dumpsters

257-55 Purpose:

The City Council, as part of the overall establishment of this Ordinance, has made the determination that all commercial properties as identified in 257-02, will be responsible for the regular collection and disposal of all waste generated from commercial properties. This includes but is not limited to violations of the city's

“Property Maintenance Code.” Items disposed of at the Transfer Station must conform to the facility operations and the “Transfer Station Guidelines.” Under this scenario, properties classified as “commercial” by the City Zoning Ordinance, are required to contract with a licensed and reputable solid waste hauler for the regular collection and disposal of all types of solid waste generated inside or outside of a property. All storage of commercial solid waste will be containerized in either dumpsters or roll out carts/containers. Storage, collection, and disposal will follow the same protocol identified, as applicable, throughout this Solid Waste Ordinance. Frequency of pickup and the number and size of containers must be coordinated between the property owner and trash collection company to ensure containers are not overfilled and the frequency of pickup is regularly scheduled based on a property’s weekly or biweekly trash generation rate.

257-56 Duties of the Property Owners; Landlords and Tenants:

It shall be the responsibility of the property owner(s) of record to ensure that adequate storage capacity and trash disposal services are available for its tenants. The city requires pickup of all types of solid waste generated from a commercial property for numerous public health reasons. In order to guarantee compliance, the property owner(s) must provide a sufficient number of containers to meet the amount of trash generated by its tenants on a weekly or biweekly basis. Containerized containers can either be a dumpster that is properly sized to meet the tenants needs, or a rollout curbside collection container properly sized to meet the needs of each individual living unit. Property owner(s) that opt to use the city contractor “commercial containerized curbside collection” pickup may contact the Municipal Services Department to obtain the contact information necessary to assist with obtaining commercial service that meets the requirements specified in this Ordinance. Property owners are responsible to pay all fees associated with trash collection. This ensures that regular service goes uninterrupted, and keeps a property in full compliance. Failure of the property owner(s) of record to comply with the provisions of this Ordinance may result in enforcement action by the city.

257-57 Duties of Tenants

It is the duty and obligation of all Tenants occupying commercial property to maintain the area where trash containers are stored. Containers must be stored on private property, have lids closed at all times, and are not to be filled over capacity. The tenant(s) and property owner(s) are responsible for following established city rules for commercial trash collection services.

257-58 Approved Containers and Transition Period:

The city owns all containers used for automated pickup of residential curbside trash collection. These containers will be removed from all commercial properties at the

time when city services to commercial properties are phased out. During this transition period the property owner(s) will be duly notified of the options and services available.

257-58 to 64 [Reserved]

Article V Commercial Collection and Container Storage

257-65 Purpose:

The purpose of this article is to outline the required operational and handling procedures for the collection and disposal of solid waste by private contractors within the city limits. These requirements are necessary in order to protect the health, safety, and welfare of the general public, as well as residents, businesses, and tenants using the properties served by private disposal firms.

257-66 Registration Requirements:

All class 2 and 3 Commercial Rubbish Haulers, section 257-44, shall register with the Municipal Services Department on a form approved by the Director or designee. At the time of registration, the firm or individual shall demonstrate that they have the necessary permits and approvals required by state and local agencies to operate a legitimate disposal service. Registration period is normally the first three weeks of June or as needed throughout the period of July 1 through June 30th annually.

257-67 Disposal of Waste under City's Annual Tonnage Agreement with Wheelabrator and the CRSWRRC:

The commercial haulers that pick up municipal solid waste in the City of Franklin are eligible to dispose of these materials at the regional incinerator facility under the city's Gross Annual Tonnage allotment established yearly by the City of Franklin. This financial benefit may be subject to changes based on the contract and any modifications to said contract, between the city and the firm or agency, for the final disposal of certain components of the solid waste stream. Commercial haulers are billed by the city for the tonnage disposed at the facility. An administrative handling fee is also charged to the hauler per Chapter 160, Fees, of the City Code. All commercial haulers/packers shall be registered with the appropriate firm, agency, or final disposal facility and vehicles shall meet the criteria that permits disposal. The purpose of bypassing the City Transfer Station and hauling directly to an outside facility is to avoid the reprocessing of municipal solid waste.

257-68 Out of Town Refuse:

Only trash and solid waste materials generated within the boundaries of the City of Franklin may be disposed of at the regional incinerator or other disposal facility. There will be no load mixing of solid waste from any sources, customers or municipalities, from outside the city. The city may request a list of customers for verification that they are complying with this requirement.

257-69 Prohibited Wastes:

Any firm that the city, or the appropriate regional agency, has a contract with to dispose of solid waste is authorized to prohibit or ban certain materials from disposal. No prohibited materials are to be placed or disposed of in any can, dumpster, or other container. It is the obligation of all licensed haulers to provide their customers with a list of such prohibited items.

257-70 Permitted Hours for Waste Collection and Transport:

All commercial haulers/packers shall operate between the hours of 7:00 a.m. to 7:00 p.m., Monday through Saturday. No collections are to be made outside of these hours except when unusual circumstances may arise. The Director of Municipal Services or designee shall be notified and seek approval if such conditions warrant.

257-71 Termination of Registration; Appeal Process and Reapplication:

The Director reserves the right to terminate the registration of a firm or individual determined to be in noncompliance of this Ordinance. A letter of warning may be issued, but is not required, before any termination and upon the receipt of such a notification letter. If a violation is issued, the firm or individual is encouraged to meet with the Director to review noncompliance issues and create a process and mechanism to resolve the violations. If the Director determines that the proper corrective actions are not being taken or additional violations occur then the registration may be terminated. If a registration is terminated, the property owner and the collection firm shall be required to meet with the Director or designee to review violations and to implement the necessary corrective actions before reinstatement of the registration. All other provisions of Section 257-11, Enforcement shall apply.

257-72 Solid Waste Containers and Site Maintenance:

For the purposes of protecting the health, safety, and welfare of the general public and specifically the residents and businesses of properties using private collection services, all containers and solid waste disposal areas used for private collection shall be operated and maintained in conformance to the following standards:

- a. The solid waste disposal areas shall be kept clean and free of trash, debris, windblown litter, furniture, and any other solid waste. All materials shall be placed within the appropriate containers and shall not be placed on the ground adjacent

to the containers. For items like furniture, mattresses, or other large items that cannot be placed in the containers or dumpster, the property owner or other responsible party is obligated to make arrangements with their collection firm to collect these items or to use the Franklin Transfer Station, and will be subject to appropriate fees. These types of items shall not be left in the open air for longer than 48 hours before a collection is made.

- b. All containers shall have a lid or other protective cover that shall be closed at all times, except when materials are being deposited in and/or removed from said containers. The containers shall not be overfilled so that the lid or cover is not closed or closable, or otherwise not effective in preventing spillage, blowing, or other dispersal of the waste materials.
- c. All containers shall be solid in design, such as metal or heavy plastic cans or the standard dumpster. This provision notwithstanding, if the Director or the Code Enforcement Division of the city determines that bags of waste inside the container are being repeatedly subject to ripping and damage from animals **or** the waste materials become a health hazard, then the city reserves the right to order that a more proper and appropriate container be used. Service and size of the container should be consistent with the amount of waste generated from a property over no more than a one-to-two-week period. Dumpsters should be equipped with a locking device in order to prevent unauthorized use.

257-73 Service Frequency:

All containers shall be regularly emptied so that the lids or covers for the containers can be closed so containers do not overflow. If inspections by the Director or other city staff result in a determination that the frequency of the collection service is not sufficient for the amount of waste generated from the property with all of these requirements, then the city reserves the right to terminate the registration per Section 257-71.

257-74 Enforcement; Violations and Penalties:

Failure to conform to any such provision of this Article will be a violation of this Ordinance and the enforcement and penalty provisions of Section 257-11 shall apply.

To be effective January 1, 2023, by roll call vote.

By a roll call vote.

Roll Call:

Councilor Blake ___ Councilor Dzujna ___ Councilor Zink ___

Councilor Ribas ___ Councilor Bunker ___ Councilor Chandler ___

Councilor Desrochers ___ Councilor Starkweather ___ Councilor Trudel ___

Approved: _____
Mayor

Passed: _____

I certify that said vote has not been amended or repealed and remains in full force and effect as of the date of this Certification and that Michelle Stanyan is the City Clerk for the City of Franklin, Franklin, New Hampshire.

A true copy, attested: _____
City Clerk

Date: _____