



MUNICIPAL SERVICES COMMITTEE MEETING

Wednesday, November 4, 2020 – 11:00 a.m.

Webmeeting:

<https://us02web.zoom.us/j/84511963494?pwd=TEtKdUVoMmFmY2k1WjVMWlVPMTpLUT09>

Meeting ID: 845 1196 3494 - Passcode: 920787

AGENDA

- I. Approval of the May 20, 2020 MSD Committee Minutes.
- II. Solid Waste Ordinance changes
- III. 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)

AGENDA ITEM I

Municipal Services Committee Meeting Minutes – Draft

Wednesday May 20, 2020 – 5:30p.m.

Webmeeting: I.D. # 823 6567 8902

Prior to the meeting the Mayor cited the Governor's Co-vid 19 Special Order # ???? relative to conducting public meetings in a "Virtual Environment" setting over the Internet.

Members Present: Councilor Scott Clarenbach (Chair) ; Council Starkweather; Councilor Trudel; Councilor Desrochers; Councilor Zink; Councilor Brown; Councilor Dzujna; Councilor Bunker; Councilor Testerman and Mayor Giunta.

City Staff: Manager Milner; Director Sullivan and Deputy Director Hanscom, Director Lewis

Members of the Public: Mr. Therrien

In light of the circumstances surrounding a new concept of a "Virtual Meeting" over the Internet, Director Sullivan prepared a written agenda which was designed to make it easier for all those present to follow the meeting's purpose and read along. A copy of this prepared packet for the most part, serves as the meeting minutes and was read verbatim by Director Sullivan.

The meeting was called to order at 5:45 p.m. by roll call.

1. "Approval of draft minutes, December 6, 2019." Motion to approve made by Councilor Starkweather and seconded by Councilor Desrochers. Motion passes unanimously.
2. "Approval of draft minutes, December 27, 2019." Motion to approve made by Councilor Desrochers and seconded by Councilor Starkweather. Motion passes unanimously.
3. "Solid Waste Review (options1-3 "I")" dated May 20, 2020. City Manager Milner led the discussion presenting the three options (see attached). After some brief discussion, on options 1 and 3, the Committee agreed that option 2 entitled "Outsource all Curbside Pickup" found in column 2 of the handout. This option made the most sense for the next five years. Manager Milner explained that the decision was based on bid results received from three companies for a five year contract for Municipal Curbside Collection of Solid Waste . The City would re-evaluate where it stands with respect to reinstating curbside collection services, back in house based on future costs. The Committee then advised City Staff to include the funding necessary to "Outsource" (option2) in the proposed Fiscal Year 2021 City Budget as it made the most economic sense for the City. Councilor Starkweather made a motion to instruct the City Manager to include funding option 2 in the City's proposed Fiscal Year 2021 budget. Councilor Desrochers seconded. Motion passes unanimously.
4. Review of the "Draft City Council Agenda Report" dated June 1, 2020 (see attached). Brian read the report and asked for questions. No discussion.
5. Review of the "Solid Waste/Curbside Collection Summary" dated May 20, 2020. It was the opinion of the Chair that it was not necessary for Brian to read the three page document. The other Committee members agreed.
6. Summary of Bids for "Municipal Solid Waste, Containerized Curbside Collection Services. Brian stated this was included in the packet as additional information.

Pending Committee Approval

7. **There was no other business from the members. In closing Brian asked if there was consensus from the Councilors to move forward with outsourcing. All agreed to move forward.**
8. **A motion to Adjourn was made by Councilor Desrochers and seconded by Councilor Starkweather. Motion passes unanimously.**

Meeting Adjourned at 7:15 p.m.

City of Franklin, New Hampshire			
Solid Waste Review			
MSD Committee 5/20/20			
Budget Lines	Option 1 - Status Quo FY21 proposed budget (this is the "do nothing" scenario)	Option 2-Outsource all	Option 3- Inhouse/New Trucks
Total Solid Waste Budget	888,811	760,584 220,000	888,811
Costs Outside of the Solid Waste Budget (YTD):			
Vehicle parts/outside repairs (vehicles 67 & 68)	150,000		20,000
Rental of trash truck	50,700		
Debt Service			102,000
Total Costs	1,089,511	980,584	1,010,811
	FY21 proposed budget includes 4 employees as well as steps & cost of living adjustment which could change for managers proposal	Reduces staffing by one FT employee (outside contractor will pick up employee or City leaving water/sewer position open for inhouse employee transfer)	Based on experience, the trucks will need constant maintenance, therefore, mechanical garage services will require at least a half time position to assist (that cost is not reflected here)
	In house labor of 1,664 hours have been spent this year on vehicles 67 & 68 (2019)	reduces solid waste overtime by \$13,302; 0 maintenance hours, fuel costs, etc.	truck 67 & 68 not available due to condition; may receive some revenue for sale of trucks at White Farm
	1700 hours (July - Dec)of overtime and other employees in the mechanics division (FY20)	opens up staff time to assist with code enforcement issues relating to solid waste ordinance	change in operations could lead to some minimal reduction in overtime at transfer station
	Estimate received to get both trucks reconditioned and road worthy (67 is out of service, 68 is barely road worthy)	Outside Vendor cost	
	Needed to collect trash while 2 trucks (67 & 68) are being reconditioned	expiring debt service in the next couple of years could be utilized to start the program inhouse again, if desired	



CITY OF FRANKLIN COUNCIL AGENDA REPORT

June 1, 2020

From: Brian J. Sullivan, Municipal Services Director

DRAFT

Subject: Franklin City Council to consider authorizing the City Manager to enter into a five-year contract with Pinard Waste System's of Manchester, New Hampshire, (low bidder) for "Municipal Solid Waste, Containerized Curbside Collection Services."

Recommended Motion:

Councilor moves:

I move that the Franklin City Council authorize the City Manager to enter into a five-year contract for "Municipal Solid Waste, Containerized Curbside Collection Services" with Pinard Waste Systems of Manchester, New Hampshire beginning July 1, 2020.

Discussion:

Subsequent to a City Council meeting conducted on November 19, 2019 it was voted and passed that the Municipal Service's Committee be charged to work with City Staff on the topic of future curbside municipal solid waste collection and disposal options. Subsequent to this on December 6 and December 27, 2019, the Committee met to evaluate various options relative to residential curbside collection services; future operational changes at the Franklin Transfer Station and revisions to the City Solid Waste Ordinance.

Since then City Staff has issued a "Request for Proposals" and received bids from three reputable companies for "Municipal Solid Waste, Containerized Curbside Collection Services". This decision was made as a result of the need to consider all options available for the Fiscal Year 2021 City Budget and beyond.

Due to the poor condition and age of our two eleven year old solid waste curbside collection trucks, the Municipal Services Department's ability to provide timely trash collection service due to their condition and downtime; ongoing and excessive repair and maintenance costs and the impact it has taken on our Vehicle Maintenance and Solid Waste Division's has been significant.

Given the need to replace these two vehicles versus the alternative of outsourcing deserves very strong consideration. Currently, it is cost prohibitive to keep dumping money into both our existing curbside collection vehicles. Truck #67 has been off the road since January due numerous repair issues. Truck #68 is not roadworthy nor dependable although we continue to attempt keep it operational. This has resulted in the need to rent a side loader from Premier Trucking at a cost of \$52,000 for the period January 1, 2020 to June 30, 2020. The cost to lease / purchase two replacement trucks is pushing an approximate \$640,000 or an annual lease payment of \$102,000 assuming 3% interest over 7 years. The typical life cycle cost to keep two

side loaders in service and dependable diminishes with age and after six to seven years they need replacement. The City is currently not in the financial position to purchase replacement trucks.

Fiscal Impact:

Given the current uncertainty of the City's ability to fund a lease purchase program and staff to continue to support in house repairs including the short and long-term maintenance, the concept of outsourcing becomes more attractive and cost effective. **We must look at the potential cost savings and residential curbside collection service delivery for the City over a five-year period.** With the assistance of the City Manager, Finance Director and the Municipal Services Committee, believe that outsourcing is an extremely worthwhile alternative to cons

In conjunction with moving forward with a five-year contract award to Pinard Waste Systems, I recommend the following **incremental steps** over the next couple of months, aimed at fine tuning both the operation of the residential curbside collection program as well as, the City Transfer Station. The following "ACTION ITEM'S should be considered:

- Simultaneous to outsourcing, begin the process of evaluating **current and future** base level service to include small commercial residential curbside collection and the Transfer Station operation. This could include limiting residential curbside collection service to commercial housing unit's three units and under and small commercial business. Pinard has included this option and resulting revenue in their proposal.
- Amend the current City Solid Waste Ordinance based on recommendations from the MSD Committee; Staff, City; Council and the Public Hearing(s) process. This would include all sections of the City Code of Ordinances including Transfer Station operations. The last update was in 2008. It is time to update this and other sections of the City Code relative to Solid Waste. This would include revising the fee structure for commercial businesses and multi family dwellings with over three units utilizing the Transfer Station.

Concurrences:

Alternatives:

Taking no action is not an alternative.

As was done 12 years ago when the City transitioned from a manual to an automated curbside collection program, there is now the need to again re-evaluate the way City service delivery with respect to the way residential curbside collection base level service is provided. This also includes evaluating future operation of the City's Solid Waste Disposal needs to include the Transfer Station. The driving force behind any proposed changes will require a thorough evaluation of the current Solid Waste Ordinance in order to meet our current and long-term needs, goals and objectives. Given the situation the Municipal Services Department has been struggling with over the last few years, our options are limited and the concept of outsourcing curbside collection is highly recommended. It is important to point out that in 2023 the City will be retiring debt service that could potentially be utilized to bring our curbside collection back in house rather than to continue outsourcing.

Enclosures / Attachments:

- **Draft Minutes for approval 12/6/19**
- **Draft minutes for approval 12/27/19**
- **City of Franklin, New Hampshire “Solid Waste / Curbside Collection Summary 5/15/2020**
- **Revised City of Franklin, New Hampshire, Solid Waste Review Worksheet (options 1-3)**
- **Table of Bid Prices for “Municipal Solid Waste Containerized Curbside Collection Services”**

TO: Municipal Services Committee Meeting /Mayor and City Council

FROM: City Staff

RE: City of Franklin, New Hampshire. Solid Waste / Curbside Collection Summary: This summary is meant to provide City Staff, the Municipal Services Committee and City Council with an understanding of the rationale behind the concept of outsourcing **“Municipal Solid Waste Containerized Curbside Collection Services”** for a five-year period.

DATE: May 20, 2020: Opening Remarks: The following are topics for discussion. My hope is that by addressing as many questions pertaining to each of these item's below, we can then present an organized presentation for the City Council

1. Benefits of Outsourcing Curbside Collection for the next five years:

- Condition of two 2009 City Side loaders are beyond the end of their useful life.
- City Mechanical Garage has spent inordinate amount of time and money since 2017 keeping both side loader's operational. During this period **down time has been significant** which has greatly impacted the Municipal Services Department's ability to deliver timely trash pickup. This issue is of great concern to residents and City Staff alike!
- Outsourcing of curbside collection will free up a significant amount of time and dollars spent on maintaining rubbish trucks, allowing mechanics the time to spend on other City vehicles. Due to an aging City fleet of over the road equipment, the focus of the mechanics will revert back to a more organized service schedule while dealing with other necessary major repairs.
- At the present time neither of the two side loaders are roadworthy and vehicle safety is of great concern.
- Current replacement cost for two new side loaders for a seven-year lease purchase payment will be upwards of \$640,000. More important there is a long waiting period of up to nine months for delivery time of two new trucks.
- A five-year deferral on the replacement of two rubbish trucks will enable the City to build up its C.I.P. fund for vehicle replacement due to expiring debt service. The replacement cost for large pieces of City equipment is very expensive. One example is the need to replace the City's vintage 1996 road sweeper at a cost of \$180,000.
- Outsourcing of City operated curbside collection will save City motor vehicle insurance costs, worker's compensation costs, fuel costs etc.
- With respect to City Staff and job loss. By cutting one of the four positions currently assigned to the Solid Waste Division of the Municipal Services Department, there would be one full time position eliminated, HOWEVER, we are currently holding off on filling a position in the Water/Sewer Department in anticipation of a change in operation of trash collection.
- Also, with respect to personnel loss of one position, if we move forward with a contract with Pinard Waste Systems, they would be offering a position to one of our best trash truck drivers.

2. **Transfer Station Operational Changes:** To effectively operate the Transfer Station and associated tasks, a three-person crew is essential towards meeting our facility permit issued by the State of New Hampshire as well as, other tasks associated with Franklin's solid waste needs.
- Assist Pinard during the "Transition/ Start Up Period" to outsourcing.
 - There is the need to cover staff time assigned to the Transfer Station when vacation and sick time is used. A three-person crew will enable the facility to operate in accordance our State permit which requires the minimum of two persons to operate.
 - Update City owned trash can inventory and necessary ongoing repairs.
 - Assist with implementation and enforcement of the amended "Solid Waste Ordinance" and associated changes in "Base Level Service"
 - Once implemented assist with the desperately needed enforcement of the "Solid Waste Ordinance" Citywide. This will assist code enforcement issues with property maintenance issues throughout the City.
 - Work with the Mechanical Garage Division on upkeep, maintenance and repairs of City equipment. When available one of the three-person Transfer Station Crew will assist the Mechanical Garage with maintenance and repair.
 - Outside of the Pinard Contract is the ongoing need to pick up decorative trash cans in business areas, beaches, School Department dumpsters twice per week Wednesday's and Friday's.
 - Improve on our current Transfer Station operation with respect to stickers, access, and making other operational improvements.
 - It gives management the ability to evaluate the hours of operation at the transfer station to accommodate citizen's needs. (i.e. which could be an evening opening.)
3. **"Pinard Waste Systems" Contract Summary for "Municipal Solid Waste Containerized Curbside Collection Services".**
- Meets the requirements as set forth in the City's "Request for Proposals".
 - Has met reference checks on the company's performance standards.
 - Pricing over a five-year period of the contract is lower than industry standards resulting in a very good deal for the City.
 - Pinard is anxious to work with City Staff to improve our current operation. This is important as we develop an amended "Solid Waste Ordinance" and proceed with the long overdue transition necessary to maintain and reduce our solid waste collection and disposal costs.
 - With over twenty years of experience in the "Solid Waste Collection and Disposal Services Industry", Pinard offers staff expertise and the company infrastructure necessary to evaluate Franklin's short- and long-term collection and disposal needs.
 - Pinard is a New Hampshire based company with its corporate office in Manchester, New Hampshire and delivers quality service to municipalities and private customers throughout the State.
 - In order to stay on a schedule, it will take approximately one month from the date of contract award to prepare and initiate service.

4. Solutions for Potential Drawbacks with Outsourcing:

- Contract with vendor will have a nonperformance clause so that the City can terminate the relationship at any time.
- City Long term debt will be expiring in FY23 that could assist the City in funding the purchase of new vehicles to bring the operations back in house.
- Customer & contractor learning curve – vendor will assist with education promotion items and a hotline to answer questions.

FY 2021 Curbside Disposal Bids

	Pinard	Waste Management	Casella
Year 1	\$220,000	\$309,645	\$355,767
Year 2	\$228,000	\$325,127	\$373,556
Year 3	\$235,000	\$341,384	\$392,234
Year 4	\$244,000	\$358,453	\$411,845
Year 5	\$252,000	\$376,375	\$432,437
TOTAL	\$1,179,000	\$1,710,984	\$1,965,839

AGENDA ITEM II

AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:

In the Year of our Lord, Two Thousand Nine

Be it ordained by the City Council of the City of Franklin that the existing Chapter 257, Solid Waste, of Franklin Municipal Code, be deleted 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 in the City of Franklin. These provisions shall apply, but not be limited to all activities at the Franklin Transfer Station; commercial collection and storage; recycling; automated curbside collection by means of containerized services using mechanized equipment and all phases of 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.

This revised solid waste Ordinance is intended to address Transfer Station operations; the City's residential automated curbside collection of Municipal Solid Waste (MSW) utilizing specialized containers of various sizes and manufacturer, for the purpose of accommodating automated curbside collection. Additionally, the ordinance specifies the storage, collection, and disposal methods to be utilized by various types of commercial and residential properties.

257-02 Definitions:

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

- a. Accepted Public Way: A street or road which has been formally accepted and approved by the City Council for public use, and which is maintained by the City. Some accepted public ways, non- public roads and common driveways may not accommodate trash trucks thus requiring residents to place trash receptacle's onto a nearby more accessible public way for pickup as instructed by the Municipal Services Director or any other

authorized representative. Some may require container placement on one side of the street for the purpose of obtaining better access for container pickup.

- b. Automated Collection System: The curbside solid waste collection system utilized by the City of Franklin which by means of automated collection trucks and specialized containers that are lifted into the truck by mechanical arms.
- 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 by the Transfer Station in compliance with facility “Transfer Station Guidelines” typically amended by City Staff on an annual basis at the beginning of each fiscal year or as may be otherwise required.
- d. City: The City of Franklin, New Hampshire including City Staff or subcontractors.
- e. City Council: The legislative body for the City.
- f. Commercial Hauler: A private company, corporation, other individual who operates within the City for the collection and disposal of solid waste for hire either by the City or by the residential or commercial property owner.
- g. Commercial Unit / Use: A Commercial property containing a business entity or similar use **or** residential multi- family housing units comprised of three or more units or any combination thereof. (See City Zoning Ordinance and list of properties.) The unit(s) may be an individual and stand-alone use or it may be of a mixed use with multiple business activities. Such properties are excluded from City provided containerized residential curbside collection services.
- h. Concord Regional Solid Waste & Resource Recovery Cooperative (CRSWRRC): The Cooperative of which the City is a participating member where certain solid waste is disposed of for incineration and/or final disposal; referenced as CRSWRRC in this Ordinance.
- i. 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 education and informational reminder for the proper preparation, handling and management of municipal solid waste by the property owner.
- j. Curbside Trash Receptacle: Trash containers listed under Base Level Service which meet the specifications identified and suitable to be used by the City or their contractor to qualify for pickup by automated collection. These cans are specified by minimum and maximum size, lid color can color, can manufacturer and by other means.

- k. 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.
- l. Customer: The individual property owner, tenant, lessee, or other party who is receiving the base level collection service provided by the City or utilizes the Transfer Station.
- m. Director: The Director of the Municipal Services Department or a designee(s) to act on his/her behalf as well as, a designated agent from a company contracted by the City to manage its Municipal Solid Waste Curbside Collection Program.
- n. Formal Notice of Non-compliance: A notice, issued by the Director of Municipal Services or designee under the Enforcement provision outlined below, to inform a resident or property owner(s) that 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.
- o. Gross Annual Tonnage: The amount of municipal solid waste that the City delivers to the CRSWRRC and other permitted solid waste disposal facilities on an annual basis. This amount is calculated by the City annually 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.
- p. Hazardous Waste: All waste identified by the New Hampshire Department of Environmental Services requiring special handling, transport and disposal.
- q. Incinerator: The facility currently being used for the City for the disposal and processing of solid waste currently known as Wheelabrator.
- r. Municipal Services Committee: The committee established by the City Council to advise the Department on operational and budgetary issues; referenced in this Ordinance.
- s. Municipal Services Department: The department of the City which is responsible for the collection, handling and transport of all solid waste, trash and recyclable materials; referenced in this Ordinance as the MSD.
- t. 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, the lid of the container is removed or the lid or body of the container is significantly cracked so that rain can enter, the wheels do not function, it cannot be picked-up by the automated trucks, or otherwise rendered inoperable.

- u. 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.
- v. Recyclable Materials: For the purposes of this Ordinance this is collectively all of the materials accepted by the City for recycling and which will be transported to firm's contracted by the City for the recycling services. These materials could be generated by either residential units or 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 list of allowed items which can be found in the written Transfer Station Guidelines.

- w. Residential Unit: An individual residential unit used for habitation. A single-family home is one unit; a two-family structure is a two-unit building; and a multiunit building or complex is designated by the number of individual units such as apartments, condominium complexes, trailer parks or a mixed-use type of building or cluster type development categorized as commercial use.
- x. Scavenging: The removal of, or the rummaging through, any form of solid waste [any recyclable or non-recyclable material] from any container that has been placed at the curbside for collection by the City or for disposal at the Transfer Station.
- y. Separation of Solid Waste: Items exempt or not accepted from 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. Separation of all of such materials is required to be placed in the appropriate and approved containers for disposal at the Transfer Station.
- z. Single Stream Recycling: a type of recycling program which may be used by the City which allows for the mixing of all types of recyclable materials, with this mixing being carried out by the homeowner or other resident, a business, or other property owner.
- aa. Solid Waste: This is the entire waste stream which includes both recyclable and non-recyclable materials; also, sometimes referred to as the solid waste stream.

- bb. Special Waste: Hazardous and other types of wastes both liquid and solid in nature requiring special handling and not permitted to be disposed of at the Transfer Station or for Curbside Collection.
- cc. State or Federal Statute: This refers to 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.
- dd. Transfer Station: The facility operated by the City, located on Punch Brook Road, where eligible residents, 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.
- ee. Transfer Station Guidelines: A written packet summarizing operational guidelines, facility rules and other pertinent information for the Public who utilize the facility. These guidelines are updated annually by the Municipal Services Director for public distribution.
- ff. Trash: Typical Municipal Solid Waste (MSW) generated from a residential use i.e. trash and garbage that is generated by a residential dwelling unit or a commercial property.
- gg. Unacceptable and Unapproved Waste: Waste designated by an applicable City Ordinance, any State or Federal Statute or Law, or by firms contracted with the City to handle and dispose of the collected solid 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 effectuate 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 designated materials being delivered to the Transfer Station be separated from the solid waste stream and disposed of in a designated appropriate container(s), at the Transfer Station. The mixing of recyclable and non-recyclable materials is a violation of this Chapter and subject to the appropriate enforcement mechanisms 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 solid waste 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 obtained on the City website; at the Transfer Station and at the Municipal Services Department office. The list will also be made 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 way to handle and dispose of solid waste, and the most cost-effective way to design and implement a solid waste program, is to educate the residents of the City of Franklin on ways to separate, reduce, re-use, and recycle as much solid waste as possible. The strong potential exists that the costs associated with the disposal of trash will continue to rise, 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 non-recyclables if separated. Thus, the City, along with interested individuals, the schools, and civic organizations, will work to educate, inform, and encourage the residents and business owners on 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, through 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 which reduce, reuse and re-purpose all types of municipal solid waste.

- 257-06 Unlawful Disposal; Out of Town 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 CRSWRRC property, or any future disposal agreement with the CRSWRRC to utilize 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 or 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 or 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 directed to an on-line list outlining such materials. Violations may be reported to the City of Franklin, Municipal Services Department located 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 managed and containerized properly 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, 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 Receptacles by others:

The use of receptacles 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 receptacles 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 collection of MSW generated from within the City.

257-9 Anti-scavenging:

All solid waste and recyclable materials that have been placed on the curbside for collection, or brought to the Transfer Station are considered to be 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 on the curbside for collection is the responsibility of the property owner, directly or through any tenant or lessee, as outlined in Section 257-07 and Sections 257-25 & 26.

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 shall make or revise any policy or procedure in consultation with the Municipal Services Committee of the City Council, with the provision that if and when the solid waste market conditions or forces require an immediate change in the types materials [for example, recyclable, construction debris, residential refuse, etc.] that are picked up at the curb or disposed at the Transfer Station, then the Director shall have the authority to implement emergency policies or procedures that will be reviewed by the Committee or the City Council as deemed necessary, at the next regularly scheduled meeting.

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. This 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 Non-compliance 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 Non-compliance, the Director is authorized to order a discontinuance of the curbside pick-up for the subject property or to prohibit the offending individual from utilizing 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.

257-11 **Complaints:**

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

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 / non - commercial 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 differentiate between residential and commercial curbside collection.

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 utilize 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 units 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 upon individually contracted commercial services [see Article IV below]. This residential base level service will be carried out utilizing the same City owned containers. See Section 257-23 for a description on the types and sizing of the containers to be used.

- a. i. The following types of properties, all of which must be located on accepted public ways and some accessible private ways will continue to be eligible for base level residential curbside collection services provided by the City and will be limited to single and two-family residential homes.
- b. ii. Multi-family residential buildings with three unit's and greater are now considered commercial entities under provisions of this Ordinance and will no longer be serviced by the revised City residential automated curbside collection program.
- iii. Commercial properties likewise, will no longer be serviced by the new City residential automated curbside collection program. in conformance with the provisions of Sections 252-23 through Section 252-35.
- c. Municipal Buildings, Public Schools and Churches will continue to be serviced under the new City automated curbside collection program.

NOTE: Single and two family homes in violation of the provisions of this Ordinance Section's 252-22 through Section 252-35 may have their service discontinued if the property is determined to be out of compliance on a regular aor continuing basis, as determined by the Director or designee. The notice provisions of Section 257-11, Enforcement, shall be utilized by the Director or designees prior to making a determination of non-compliance.

- d. The following properties are potentially eligible for residential automated curbside collection service [see section e. below] provided that the owner(s) or appropriate responsible parties provide the City with a Release of Liability, in a format acceptable to the City Attorney, and the subject property is fully accessible to the City's collection vehicles in all seasons as determined by the Director. All requests to provide residential base level service to these types of 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 locate the containers for the automated pick-up: These properties typically would be located on private ways.
- e. Properties located on unaccepted subdivision roadways provided that the base course of asphalt is installed and the owner/developer demonstrates that the road will be properly and adequately maintained in the winter months will also be eligible. The base level curbside collection service for any property listed in Section "d" and "e" 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 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 if adequate access is not provided as determined by the Director without notice.

- f. The following other properties are not eligible for residential base level automated curbside collection service provided by the City:
 - i. Condominium/apartment buildings or complexes, or multi-family buildings, with three or more individual residential units;
 - ii. Trailer Parks, campgrounds, vacant lots and homes under an enforcement order for a Solid Waste Ordinance violation.
 - iii. Any property listed in Section “d” and 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 Approved Residential Automated Curbside Collection Containers for “Base Level Service”: Sizing; Weight; Maximum Weekly Pick-up; Container Maintenance

- a. The base level service for residential automated curbside collection program will be accomplished utilizing specialized containers designed for automated pick-up. Generally speaking, the containers supplied by the City will continue to be 36, 48, 64, or 96 gallon in size.
- b. Only approved containers shall be used by the eligible properties for curbside pickup. No non-automated containers or bags shall be used by the customer for the purpose of curbside pick-up. All Municipal Solid Waste must be bagged and placed in the designated container with lid closed.
- c. Per residential unit, the maximum weekly amount of trash that will be picked at the curb by the City will be up to but not to exceed 192 gallons. This maximum weekly total is based on the average weekly generation rate of trash from each particular property. This may require more than one container per residential unit in certain instances., The total weight of trash placed in a container will not exceed 200 pounds. All containers which exceed the “Base Level Service” amount specified must be disposed of at the Transfer Station or held for collection the following week.
- d. Appropriately sized City owned containers or a container approved by the Director or designee shall be provided by the City to each property owner eligible for curbside pick-up at no charge. The Director 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 inspections may be conducted to determine the properly sized containers to be provided to each subject eligible residential 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 257-34, below, may be used to determine the need for an increase in the size of the container and 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 may be required to share containers for trash 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 containers will be performed by the City. The property owner/customer shall contact the MSD office to report damage and request a repair. Containers damaged beyond repair may be replaced by the City at a cost. 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 as determined by the Director, the Director may issue a Notice of Non-compliance letter to the owner and/or customer indicting 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. Similarly, if the containers are improperly removed from the property the owner may be charged for the next replacement container. The property owners are the ultimate party responsible for all damages or removed containers and the owner should work to educate the household members and/or tenants on the proper use 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.
- k. The City reserves the right to charge for replacement containers and to specify an acceptable container manufacturer for replacement containers by the property owner at their cost should future conditions warrant the need.

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

The collection schedule for pick-up shall be prepared by the Director or designee. The schedule will be available at the City Hall, 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 in the City Hall, the MSD office, and on the City website.

Tony need to provide input here.

257-25 Preparation of Materials for Residential and Commercial Automated Containerized Curbside 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 by animals. 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. If

containers are placed improperly the City or contractor reserves the right to refuse container pickup.

- b. Any spillage, such as that resulting from animals, wind-blown litter and other weather conditions, etc., from any containers placed for curbside pick-up shall be the responsibility of the owner/customer to clean up. City staff 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 residential and commercial trash must be bagged before placing 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 pickup the following day. And placed in a manner so as not to interfere with snow removal operations.

257-26 Placement of Containers:

- a. For the automated collection program, the containers shall be placed at the curb-line and outside of the travel way, on the edge paved roadway, **at the end of the driveway apron**, or at another appropriate location, so that it is accessible to automated trucks for pick-up. In selected cases, the Director or designee may designate a specific location for the placement of containers. Containers shall be placed at least three feet away from objects such as fences, mailboxes, utility poles, and shall be clear of overhanging wires or vegetation.
- 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 will not cross over private property to pick-up solid waste materials, unless approved by the Director.
- d. The container handle must be facing inward towards the residence to allow for the automated truck to properly pick-up 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 which are not removed from the point of collection within 24 hours after being emptied may be removed by the City or contractor for the reason of non-compliance.

257-28 Approved Materials for Pick-up:

For both the residential and commercial automated curbside collection program, Waste can be placed in both green and gray lid containers. Recyclable materials shall mixed in with regular household trash. Recycling of certain household item's 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; 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, the following: sand, stone, or brick products; construction or demolition / building materials; electronics or white-good appliances; household appliances; auto parts; waste oil; paint; furniture; electronics of any type; automotive part; oils of any type; yard waste or tree limbs/roots; hot ashes; asbestos; propane tanks; pressurized containers. 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 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 pick-up. 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 Pick-up:

For the automated collection program, if the Director or designees determine that materials being placed out for curb-side pick-up are unacceptable material, or if the materials are not properly containerized or managed per the provisions of this Ordinance, then the City reserves the right to not pick-up 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:

All complaints shall be made in writing to the MSD Director or by filling out an "Service Request" available on the City website.

257-33 Notification for Non-compliance:

As outlined in Section 257-11, the Director and other City staff identified in this Ordinance are authorized to issue notices of non-compliance when it is determined that a property is in violation of the provisions of this Ordinance. The issuance of two (2) notices of non-compliance may result in the loss of service for curbside pick-up, 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 pick-up per Section 257-33

257-36 to 257-40 [reserved]

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 non-recyclable materials which are generated within the boundaries of the City of Franklin. The disposal of certain waste products [for example, appliances, electronics, construction and demolition debris, glass, yard waste, waste oil, mercury containing devices; batteries, propane tanks, certain light bulbs etc.] some of which require a handling fee, due to the disposal charges paid for by the City for these items to get them to various markets. Each July of the year the Director of Municipal Services provides an update for customers entitled the “Transfer Station Guidelines”. The purpose of this document is to update customers relating to 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 Hours of Operation:

The Director shall establish hours of operation for the Transfer Station. The hours will be posted at the Transfer Station; on City’s website; available in the 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 shall be discussed and approved by the City Council.

257-43 Authority of Staff, Enforcement:

The staff of the Transfer Station reserve the right to not accept any solid waste materials that fail 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 Issuance, Display of Permits and Decal’s:

All vehicles and commercial haulers being received at the Transfer Station shall have a decal permanently attached to the vehicle. They shall be available at the Transfer

Station or the MSD office. The decals contain a color code to identify the different type of users and year of issuance.

- a. Class 1 decals are reserved for citizens and property owners of Franklin to deposit trash, special waste and recyclables on an unlimited basis. Certain fees will apply.
- b. Class 2 decals are reserved for Commercial business and industries with fewer than 25 employees. This sticker will permit the deposit of the first 250 pounds of refuse each week without any cost. Any refuse above that weight shall be billed at the current tipping / disposal fee charged to the City by the Wheelabrator facility. Certain other fees apply to various items.
- c. Class 3 is for commercial and businesses having 25 or more employees or residential structures or complexes with seven or more units. This Class shall be billed per Chapter 160, Fees, of the Franklin City Code.

All other commercial haulers/packers are prohibited from using the Transfer Station and their materials must be taken directly to the facility operated by the firm or agency with which the City has a contract for the disposal of solid waste. Please see Article V for further discussions on commercial collection services.

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

Non-residents and contractors needing to dispose of solid waste and/or recyclables generated within the boundaries of the City of Franklin may obtain an authorization permit from the MSD office. Proper documentation of the source of the materials [such as a tax bill, letter of authorization, contract between property owner and contractor] 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 the 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 recyclable's 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 may be required for certain items and the Director is authorized to issue regulations and guidelines outlining the items and the applicable fees. Chapter 160, Fees, of the City Code contains the approved fees, but in addition the Director is authorized to implement emergency fees when so required 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.

- 257-49 **Handling and Management of Materials at, and on route to, the Transfer Station:** All vehicles, including cars, trucks, commercial haulers, etc. shall properly cover and contain any and all materials being transported to the Transfer Station so as to prevent the spillage litter and blowing of materials onto the public roadway system. Failure to provide for such covering, and the spilling 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 contain similar provisions and these 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

- 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 anything that violates the City's "Property Maintenance Code." Items disposed of at the Transfer Station must conform with the facility operations and the "Transfer Station Guidelines". Under this scenario properties classified as commercial are required to contract with a licensed and reputable hauler for the regular collection and disposal of all types of solid waste generated inside or outside of a property. All storage commercial solid waste will be containerized in either dumpsters or roll out carts. Storage, collection and disposal will follow the same protocol identified, as applicable, throughout this Solid Waste Ordinance.
- 257-56 **Duties of the Property Owner(s):**
It shall be the responsibility of the property owner(s) of record to ensure that adequate storage capacity and trash disposal service is available for it's tenants. The City requires weekly pickup of all types of solid waste generated from a property. In order to guarantee compliance, the property owner(s) must provide a sufficient number of containers in order to meet the amount of trash generated by its tenants. Containerized trash receptacles can either be a dumpster which is properly sized to meet the tenants

needs or by means of a roll-out container properly sized to meet the needs of each individual living unit. If the property owner(s) opt to utilize a private company and continue with weekly “commercial containerized curbside collection” pickup, the City can provide the property owner(s) the contact information necessary to assist with obtaining commercial service that meets the requirements specified in this ordinance. Property owners are responsible to pay fees associated with trash collection. This Ensures that regular weekly service goes uninterrupted thus keeping a property in Compliance. Failure of the property owner(s) of record to comply with the provisions of this may result in enforcement action to be taken 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 receptacles 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 City provided curbside collection services to residential properties.

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 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 contractor’s 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 from the necessary state and local agencies to operate a legitimate disposal service. Registration period is during the first three weeks of every 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 who 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 change 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 the vehicles shall contain the proper sticker which permits disposal at the facility. The purpose of by passing the City Transfer Station and hauling directly to Wheelabrator is to avoid the re-processing 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 final disposal facility utilizing the City's Gross Annual tonnage allotment. There will be no load mixing of solid waste from any sources, customers or municipalities from outside the City of Franklin. The City may request a list of customers for verification that they are complying with this requirement.

257-69 Prohibited Wastes:

Any firm with which the City, or the appropriate regional agency, has a contract to dispose of solid waste is authorized to prohibit or ban certain materials from disposal at their facility. No banned or prohibited materials are to be placed or disposed of in any can, dumpster, or other receptacle within the City. It is the obligation of all licensed haulers and their customers to be informed of the items banned and prohibited materials and to adhere to all requirements of the firm or agency.

257-70 Permitted Hours for Waste Collection and Transport:

All commercial haulers/packers shall operate between the hours of 7 AM to 7 PM, 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 Re-application:

The Director reserves the right to terminate a registration of a firm or individual upon a determination that the provisions of this Ordinance and any policy or procedures issued by the Director have been violated. A letter of warning may be issued, but is not required, prior to any termination and upon the receipt of a warning letter, the firm or individual is encouraged to meet with the Director to review the violations 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, then prior to reinstatement of the registration, the property owner and the collection firm shall be required to meet with the Director to review the violations and the necessary corrective actions. 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 utilizing 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 such as 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 arrangement with their collection firm to collect these items. These types of items shall not be left in the open air for longer than 24 hours before a collection is made.
- b. All containers shall have a lid or other protective cover which 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 the lid or cover are 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. Bags may be used if the disposal area is contained within a fenced and gated enclosure. This provision notwithstanding, if the Director or the Code Enforcement Division of the City determines that the bags 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 proper and appropriate containers are used. Service and size of the container should be consistent with the amount of waste generated from a property over no more than a 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 and so that the 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.

Roll Call Vote:

Councilor	_____	Councilor	_____
Councilor Starkweather	_____	Councilor	_____
Councilor	_____	Councilor	_____
Councilor	_____	Councilor	_____
Councilor	_____		

A True Copy Attested _____
City Clerk

Passed:

Approved: _____

Approved January xx, 2021