

Municipal Services Committee Meeting Minutes  
Wednesday November 4, 2020 – 11:05 am to 1:05 p.m.  
Web meeting: I.D. # 845 1196 3494

Prior to the meeting, the Chairman cited the Governor's Co-vid Emergency Order #12 and Executive Order 2020-4 relative to conducting public meetings in a "Virtual Environment" setting either over the Internet via "Zoom" or other means available.

Members Present: Councilor Scott Clarenbach (Chair); Council Starkweather; Councilor Brown; Councilor Desrochers; Councilor Zink; Councilor Dzujna; Councilor Bunker;  
City Staff: Manager Milner; Director Sullivan and Deputy Director Hanscom  
Members of the Public: Tony Belanger of Pinard Waste Systems

In light of the circumstances surrounding the ongoing concept of a "Virtual Meeting" over the Internet, Director Sullivan prepared a written agenda consisting of a "Draft Solid Waste Ordinance" entitled "Chapter 287 of the Franklin Municipal Code", which is attached as part of this agenda packet. This makes it easier for the Committee and Public to follow. An attached copy of this prepared packet for the most part, serves as a component of the meeting minutes and was reviewed systematically by section by the Committee.

The meeting was called to order at 11:05 a.m. by roll call.

Item #1: Approval of draft minutes, May 20, 2020." Motion to approve made by Councilor Starkweather and seconded by Councilor Brown. Motion passes unanimously.

Item #2: Review of the "Draft Solid Waste Ordinance" Chapter 287 of the Franklin City Code". Chairman Scott Clarenbach led the introduction and purpose for the meeting then turning it over to Director Sullivan. Sullivan opened by stating the easiest and best way to review the Ordinance was by taking up each of the five articles contained within, one section at a time in sequence. All present agreed. Chair turned it over to Sullivan.

- Article I - General Provisions-

Brian reviewed the 257.01 entitled "Purpose" then calling everyone's attention to definition section ee. entitled: "Transfer Station Guidelines" and explained that these are revised annually, in June and made available to the public. These are designed to summarize operational guidelines; fee changes and other pertinent information with respect to facility compliance and curbside collection services.

- Article II - Automated Containerized Residential Curbside Collection Service-

This section focuses on "Base Level Service" to be provided to residential property owners, limiting automated containerized curbside collection service to single- and two-family residential units. Multi -Family units, three and over and all light commercial properties are

classified as such by Franklin's Zoning Ordinance. These properties would be offered private containerized curbside commercial curbside collection service by Pinard Waste Systems based on the amount of solid waste generated by each property. Brian pointed out that Article II should be further clarified denoting the difference between base level service for residential and commercial customers. It was agreed that this would be helpful and to revise Articles II and IV to better clarify the difference. Under this scenario City containers would be removed and Pinard would supply the necessary containers with a yellow top lid to service commercial curbside collection customers.

- **Article III- Transfer Station-**

Discussion then took place relative to how to account for and further separate residential and commercial waste processed through the Transfer Station. Brian explained that most items not processed through the Transfer Station "hopper" were fee based as identified in "Chapter 160 Fees" of the Franklin City Code, for both residential and commercial customers, as approved by the City Council. The issue lies with the amount of solid waste processed through the hopper and delivered to Wheelabrator Trash to Energy Facility. Various scenarios were discussed to better track these items: a trash audit; charging all residential customers; a decal fee based on a fee structure; establishing a "base level service" charge for hopper items for commercial and possibly residential use etc. Scott felt and all agreed that section 257-44 entitled- Issuance, Display of Permits and Decal's is outdated and should be modified based on further discussion and evaluation of data. Sullivan mentioned one alternative to consider in the future is the creation of a Transfer Station Enterprise or Revolving Fund. He also mentioned that a "Base Level Service" concept could also be established for the Transfer Station.

- **Article IV- Automated Containerized Commercial Curbside Collection Service-**

Little discussion took place over this section of the draft ordinance other than it should contain clarifying information relating to commercial collection, similar to what is contained in Article II as previously discussed. Brian pointed out that in Pinardi's bid there is a provision dealing with a fee-based structure for this which is a flat fee charge based on a can size and number of cans for commercial properties needing curbside collection service. It was stressed and agreed upon that ALL commercial curbside collection must be containerized as identified throughout the ordinance.

- **Article V- Commercial Collection and Storage-**

Little discussion took place over this section. Brian explained that this deals more with commercial dumpster service provided to larger commercial properties that contract out dumpster service. This section can be reviewed.

- Towards the end of the meeting Tony Belanger of Pinard Waste System's offered a few comments: his concern about future tipping fee costs and shortage of future capacity and options for future statewide solid waste disposal option's; the City staff was on the right track as we move through the transition process of the ordinance change and that by mid-December a new flyer and information packet would be issued by Pinard for distribution. Several present stated this has been a very smooth transition with minimal calls.

**Other Business:**

- **Councilor Derochers reiterated the need to address short- and long-term infrastructure challenges of the City. Judie provided her ideas including updating the City's Capital Improvement's Program and promoting some ideas with the retirement future bond issues.**
- **Wet Garbage and composting was brought up by Councilor Zink. This project deserves more research and planning. It is worthy noting that there is a future potential in composting. Sullivan mentioned a regional wet garbage collection facility would be the way to head in the future and would continue to evaluate various option's.**

**III. Adjournment: Councilor Brown moves to adjourn and Councilor Starkweather seconds, meeting is adjourned at 1:05 p.m.**

**AN AMENDMENT TO THE FRANKLIN MUNICIPAL CODE:**

**In the Year of our Lord, Two Thousand Twenty One**

**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 specialized 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.

**257-02 Definitions:**

The following words and abbreviations, as 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 which has been formally accepted and approved by the City Council for public use, and which is maintained by the City. (NOTE: 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 at the Transfer Station in compliance with facility “Transfer Station Guidelines”.
- 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.
- h. Concord Regional Solid Waste & Resource Recovery Cooperative (CRSWRRC): The Cooperative of which the City is a participating member where certain types solid waste are disposed of for incineration for 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. Identified by the NHDES, Solid Waste Management Bureau.
- 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 which are liquid, solid, gaseous or vapor 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, 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.
- ee. Transfer Station Guidelines: A written information 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.

257-12 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 / 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 CRSWRRRC 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 when implemented.



- 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 or 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 Automated Curbside Collection Containers for City established “Base Level Service”: Sizing; Weight; Maximum Weekly Pick-up; Container Maintenance:**

- a. The “Base Level Service” for the 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.
- 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 trash audit’s may be conducted to determine the properly sized containers to be provided to each 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.

**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 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 pick up 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:**

Waste can be placed in both green and gray lid containers. Recyclable materials shall 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; 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 by filling out an "Service Request Form" 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

### **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 **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 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 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 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 **Transfer Station, Establishment of a “Base Level Service”, Permits and Decal’s:**

**NOTE:** This section needs a complete overhaul including establishing a “Base Level Service” for the Transfer Station

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 (Note: Consider placing a maximum cubic yard size truck, trailer and roll off container) are prohibited from using the Transfer Station and their materials must be taken directly to a licensed 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 is be required for certain items as authorized by the Franklin City Council. Chapter 160, Fees, of the City Code contains the approved fees, but in



addition 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.

- 257-49 **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 violations of 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" by the City Zoning Ordinance 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 of 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 are available for its tenants. The City requires weekly pickup of all types of solid waste generated from a commercial property for several public health reasons. In order to guarantee compliance, the property owner(s) must provide a sufficient number of containers in to meet the amount of trash generated by its tenants on a weekly basis. Containerized trash receptacles can either be a dumpster which is properly sized to meet the tenants need or by means of rollout 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 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 during the first three weeks of every June or as needed throughout the period of July 1 through June 30<sup>th</sup> 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 bypassing 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 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 48 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. 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 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 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:**

<b>Councilor</b>	_____	<b>Councilor</b>	_____
<b>Councilor Starkweather</b>	_____	<b>Councilor</b>	_____
<b>Councilor</b>	_____	<b>Councilor</b>	_____
<b>Councilor</b>	_____	<b>Councilor</b>	_____
<b>Councilor</b>	_____		

**A True Copy Attested** \_\_\_\_\_  
**City Clerk**

**Passed:**

**Approved:** \_\_\_\_\_