

ORDINANCE #05-10

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; curbside collection; the automated collection and/or containerized services; 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 operational changes to the Transfer Station and the implementation and operation of the automated collection system which will utilize specialized containers and include the collection of a range of recyclable materials.

257-02 Definitions:

The following words, 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.
- b. Automated Collection System: The curbside solid waste collection system being instituted by the City of Franklin which utilizes automated collection trucks and specialized containers that are lifted into the truck by mechanical arms.
- c. Base level Service: The automated collection service being provided to eligible properties, as defined in the Ordinance, for the collection and disposal of trash and recyclable materials.
- d. City: The City of Franklin, New Hampshire.

Approved December 7, 2009

- 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 of solid waste for hire.
- g. Commercial Unit / Use: A property containing a business entity or similar use; the unit may be an individual and stand-alone use or it may be a mixed use with multiple business activities.
- h. Concord Regional Solid Waste & Resource Recovery Cooperative: 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 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 handling and management of solid waste by the property owner.
- j. 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.
- k. Director: The Director of the Municipal Services Department.
- l. Formal Notice of Non-compliance: A notice, issued by the Director of Municipal Services 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 or second step in the overall enforcement process, and the issuance of multiple formal notices can result in loss of service, penalties, or enforcement actions as outlined in this Ordinance.
- m. Gross Annual Tonnage: The amount of solid waste that the City is committed to send to the CRSWRRC on a yearly basis. This amount is calculated by the City every fall and may change yearly as the rates of solid waste disposal change due to the various factors including population growth, increases in the amount of recycling, or general economic and market conditions.
- n. Incinerator: The facility currently being used for the City for the disposal of solid waste.

- o. Municipal Services Committee: The committee established by the City Council to advise the Department on operational and budgetary issues; referenced in this Ordinance as the Committee.
- p. 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.
- q. 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.
- r. Policies: This includes procedures and guidelines prepared by the Director for the proper implementation and operation of the provisions of this Ordinance.
- s. 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 a firm contracted by the City for the recycling services. These materials could be generated by either residential units or commercial properties. The Director will issue a list of acceptable items, which may change due to market and economic conditions. There are two types of recyclable materials:
 - I. The recyclables collected, containerized and put out by the homeowner, resident, or property owner for collection at the curbside through the automated program.
 - II. The recyclables that can be disposed of at the Transfer Station. This category includes all materials that are eligible for the curbside collection program, as well as other items [metals, clothing, batteries, etc.] included by the Director on the list of allowed items.
- t. 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 multi-unit building or complex is designated by the number of individual units [apartments, condos, etc.].
- u. 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 deposited at the Transfer Station.
- v. Separation of Solid Waste: The separation of the accepted and approved recyclable items from the regular trash and the placement of all of the materials in the appropriate and approved containers for pick-up or disposal at the Transfer Station.

- w. Single Stream Recycling: the type of recycling program 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.
- x. 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.
- y. 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 or disposal of any solid waste material or any unacceptable or prohibited material.
- z. Transfer Station: The facility operated by the City and located on Punch Brook Road where eligible residents and persons may deposit trash, recyclables, and various yard and construction waste materials. Please refer to Article III of the Ordinance for a more detailed discussion of the Transfer Station.
- aa. Trash: The general non-recyclable trash and garbage that is generated by a residential dwelling unit or a commercial property.
- bb. 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 [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 staff of the Department. 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 Recycling and Separation:**

By and through this Ordinance, it is a requirement in the City of Franklin that all designated recyclable materials be separated from the solid waste stream and disposed of in the approved recycling containers, either at the curb-side or 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 is to help contain and control the costs associated with the disposal and management of solid waste by diverting as many recyclables from the solid waste stream as possible. The listing of designated recyclable materials shall be prepared by the Director and will be available in the City Hall, the Transfer Station, on the City website, **and** at the MSD 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 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 as many materials as possible. While the markets for recyclables are always fluctuating, the costs of disposing of recyclables are generally lower than the costs of disposing of non-recyclables. 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 all recycling efforts. 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 hopes for the cooperation and assistance of all residents in making Franklin a leader in recycling programs.

257-06 **Unlawful Disposal; Out of Town Refuse; Unacceptable/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 in a manner not in accordance with the provisions of this Chapter, any policy or regulation established **hereunder**, or any applicable state statute or regulation. The dumping or disposal of any solid 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 for disposal through either the 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 any unacceptable materials in the City. The Department office can be contacted for a listing of such materials or direction to on-line materials outlining such materials.

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, and garbage that may be a fire hazard, or obnoxious or dangerous to the general health, safety or welfare of the public. If the, Fire Chief, the Health Officer, the Code Enforcement Officers, 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 found 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 recyclables or trash 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 systems. 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 six (6) months, then the next violation shall result in the issuance of a Formal Notice of Non-compliance. 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.

257-12 **Complaints:**

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

257-13 to 19 [Reserved]

Article II Curbside Collection

257-20 **Purpose:**

The purpose of the curbside collection program is to provide an efficient and effective means of solid waste collection and recycling for City residents and businesses. Per the adoption of this Ordinance, the Franklin City Council is implementing an automated curbside collection program that will include the collection of recycled materials as well as regular household and certain commercial trash. 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 or regulations issued by the Director.

257-21 **Transition between Current and Automated Collection Systems:**

Until such time as the automated collection program is initiated, the current curbside collection practices and procedures will remain in effect. The City reserves the right to phase in the implementation of the automated collection program in order to more efficiently deal with and address any operational issues.

257-22 **Base Level Service:**

The implementation of this automated 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 V, below]. The base level service will be carried out utilizing specific containers to be provided by the City. See Section 257-23 for a description on the types and sizing of the containers to be used.

- a. The following types of properties, all of which must be located on accepted public ways, are eligible for base level curbside collection services provided by the City:
 - i. Single and two-family homes;
 - ii. Multi-family residential buildings with six units or less;
 - iii. Commercial properties provided that the materials placed out for collection on a weekly basis will fit into the containers provided by the City for the automated collection program and will otherwise be managed in conformance with the provisions of Sections 257-23, 25, and 26.
 - iv. Municipal Buildings and Schools

The base level curbside collection service for multi-family residential structures with 3 to 6 units may be discontinued if the property is determined to be out of compliance with the provisions of this ordinance on a regular and/or continuing basis as determined by the Director. The notice provisions of Section 257-11, Enforcement, shall be utilized by the Director prior to making a determination of regular or continuing non-compliance.

- b. The following properties are potentially eligible for base level curbside collection, provided that the owner or appropriate responsible party provides 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 base level service to these types of properties must be made in writing and a site visit by the Director shall be conducted to determine the adequacy of the access and the ability to properly locate the containers for the automated pick-up:
 - i. Manufactured housing parks;
 - ii. Properties located on Class 6 roads or private ways;
 - iii. 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.

The base level curbside collection service for any property listed in Section "b" above 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.

- c. The following properties are not eligible for the base level automated curbside collection service:
 - i. Condominium/apartment buildings or complexes, or multi-family buildings, with seven (7) or more individual residential units;
 - ii. Commercial properties that do not/cannot conform to the container requirement discussed in Section “a.iii” above.
 - iii. Any property listed in Section “b” above that does not provide the Release of Liability and/or the access way is not reasonably accessible, as determined by the Director, to the collection vehicles.

257-23 **Approved Automated Containers for Base Level Service; Sizing; Maximum Weekly Pick-up; Maintenance:**

- a. The base level automated curbside collection program will be accomplished utilizing specialized containers designed for automated pick-up. Generally speaking, the containers to be distributed will be 36, 48, 64, or 96 gallon in size.
- b. Only approved containers shall be used by the eligible properties for curbside pick-up. No non-automated containers or bags shall be used by the customer for curbside pick-up.
- c. Per residential unit, the maximum amount of trash or recyclables that will be picked at the curb by the City is one 96-gallon container weighing no more than 200 pounds per week for each solid waste stream component. Materials above this amount must be disposed of at the Transfer Station or held for collection the following week.
- d. Per commercial unit/use, the maximum amount of trash or recyclables that will be picked at the curb by the City is one 96-gallon container weighing no more than 200 pounds per week for each solid waste stream component. Materials above this amount must be disposed of at the Transfer Station or held for collection the following week. For any commercial unit/use, the Director reserves the right to require the submission of a management plan outlining issues including, but not limited to, the number of proposed containers for the use(s), the location of the pick-up point and storage point for the containers. If the Director determines that the plan is not functional for the automated curbside program due to operational issues, or for health, safety and welfare issues of the general public of the specific neighborhood, then he/she reserves the right to deny the utilization of the automated curbside collection program. The Commercial unit/use(s) will then need to contract with a private commercial hauler.
- e. Appropriately sized containers shall be provided by the City of Franklin to each property owner eligible for curb-side pick-up at no charge. Containers for both trash and recyclables will be provided by the City at no charge. The Director will work with the solid waste staff to determine the appropriate sized containers for the individual properties. Historic solid waste generation rates and/or inspections conducted prior to the implementation of the automated collection program will be used to determine the proper sized containers to be provided to each subject eligible property
- f. 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 in

the container unit. The trash audit discussed in Section 257-34, below, may be used to determine the need for an increase in the size of the container.

- g. For two-family or eligible multi-family structures, the Director shall determine how many containers will be provided. More than one unit may be required to share containers for either trash or recyclables based on site specific conditions.
- h. 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.
- i. 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 will be replaced by the City.
- j. The terms of paragraph "i" 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. 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.
- k. If a container is stolen from a specific property then the owner or resident shall contact the MSD office to report the theft and request a new container.

257-24 Collection Schedule; Holiday Schedule:

The collection schedule for pick-up shall be prepared by the Director and the schedule will be available at the City Hall, the Transfer Station, and the MSD Office, on the City website, and in the education materials distributed through the schools and civic organizations. The holiday schedule will be determined 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 Automated Collection:

- a. For the automated collection program, all trash and recyclables shall be placed into the appropriate containers so that the lid can be securely shut. No trash or recyclables waste placed on the ground or in any unapproved containers will be picked-up by the City. 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, and access by animals.
- b. For the current program or the automated program, any spillage, such as that resulting from animals, weather conditions, etc., from any containers placed for curbside pick-up shall be the responsibility of the owner/customer. 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 or vandalism by animals.
- c. All household/commercial trash must be bagged before placing into the trash container.

- d. All recyclables shall be placed loose in the recycling containers. Recyclable materials, such as cereal boxes, cans, plastic jugs and bottles, should be flattened so that the recycling container does not become overfilled too quickly during a given collection week. All recyclables items shall be emptied and cleaned prior to placing into the container.
- e. In conformance with Section 257-04, Mandatory Recycling and Separation, it is a violation of this Ordinance to mix recyclable materials with trash, or trash with the recyclable materials, in the containers provided by the City. All materials must be separated and placed into the appropriate container for the automated curbside collection program.

257-26 Placement of Containers:

- a. For the automated collection program, the containers shall be placed at the curb, between the sidewalk and the edge paved roadway, at the end of the driveway, or at another appropriate location, so that it is accessible to automated trucks and city staff used for the pick-up. In selected cases, the Director may designate a specific location for the placement of the containers. The 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 7 AM on the designated collection day. The containers shall not be placed out for collection before 5 PM on the previous day.
- c. No containers shall be placed within the travelled way. 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 the container.

257-27 Removal of Empty Containers:

The empty containers shall be removed from the collection point by the end of the collection day and properly stored on the owners' property.

257-28 Approved Materials for Pick-up:

- a. For the automation collection program, the city will pick-up two types of solid waste:
 - i. The recyclable materials. Per Section 257-04 of this Ordinance, all recyclable materials shall be separated from the regular trash and placed in the approved containers for curbside pick-up. The complete list of acceptable recyclables will be prepared by the Director and distributed to all residents when the containers are provided to all eligible customers. The list may be modified given market conditions or other factors. The educational materials developed by the City for the recycling program will be available in City buildings and on the City website.
 - ii. The regular trash.

257-29 Prohibited and Unacceptable Materials; Hazardous Waste:

Certain materials will not be collected by the City at the curbside. These items include, but are not limited to, the following: sand, stone, or brick products; construction or demolition materials; electronics or white-good appliances; auto parts; waste oil; paint; furniture; yard waste or tree limbs/roots; **hot** ashes; propane tanks; or 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 [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 run 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 other City staff 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.

257-32 **Complaints:**

As outlined in Section 257-12, all complaints shall be made in writing to the MSD Director.

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 to discuss the violations and establish a mechanism to bring the property into compliance.

257-34 **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 rates of recycling and whether or not individual properties are in compliance with the mandatory separation requirements. Initial trash audits will be used to determine if courtesy notices need to be issued. If a property is regularly and continually in non-

compliance as far as mandatory separation 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

257-35 to 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 and recyclable materials, leaves and yard waste, and other 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, or certain light bulbs] require a handling fee due to the disposal charges paid for by the City for these items.

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 and on the City's website, available in the City Hall, 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 Director. The enforcement provisions of Section 257-11 shall apply.

257-44 **Issuance, Display of Permits:**

All vehicles and commercial haulers being received at the Transfer Station shall have a sticker permanently attached to the vehicle. The stickers shall be available from the staff at the Transfer Station or the MSD office. The stickers contain a color code to identify the different type of users:

- a. Class I is for citizens and property owners of Franklin to deposit trash and recyclables on an unlimited basis;
- b. Class 2 is 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, and any refuse above that weight shall be billed at the current tipping fee;
- c. Class 3 is for commercial and industrial business having 25 or more employees or residential structures or complexes with seven (7) 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 polices, 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 Recyclables:

No fee or limit will be placed on the amount of recyclable materials that may be brought to the transfer station by any resident, property owner or local commercial entity. As noted in Section 257-04, the City of Franklin requires that all recyclable items be separated from non-recyclable materials. The Transfer Station has specific containers for the disposal of the recyclables. The policies and regulations issued by the Director shall identify the complete list of all recyclable materials that are accepted by the City.

257-48 Disposal of non-trash and non-single-stream recyclable materials at the Transfer Station:

As addressed in the Purpose Section for this Article, 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 through the automated curbside collection program, and some of these materials may ultimately be recyclable or reusable. A complete list of all accepted materials will be issued by the Director and will be available at the Transfer Station, on the City website, at the MSD office, and in the various educational and information materials. 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 statues 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 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 Recycling in City Owned Buildings and Schools

257-55 Purpose:

The City Council, as part of the overall efforts to promote recycling in the City of Franklin, is establishing mandatory recycling in all City-owned buildings, including the Opera House operations, and all schools. As outlined in Section 257-04, the recycling of all appropriate materials helps to contain the total costs associated with solid waste management and disposal.

257-56 City Staff Recycling Committee:

The City Manager and the Superintendent of Schools shall establish a recycling committee, comprised of City and school staff and students, to establish operating procedures, monitor the recycling efforts and educate all employees on the implementation of the recycling program. This Committee shall meet quarterly, or as deemed necessary to the City Manager and the Superintendent, to review the effectiveness of City recycling efforts and make recommendations for improvements and modifications to the program.

257-57 Duties of City Employees:

It is the duty and obligation of all employees in the City and School departments, and the management of the Opera House, to participate in the recycling program. Each employee shall utilize the recycling containers for the disposal of all appropriate items.

257-58 Recycling Containers:

The City will provide recycling containers for individual buildings and departments as deemed appropriate by city staff.

257-59 Frequency of Pick-up:

The Director shall coordinate with the solid waste staff and cleaning staff, as well as the individual department heads, to establish an appropriate collection and pick-up schedule for the city offices and the schools.

256-60 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 that is collected by private

firms. These requirements are necessary in order to protect the health, safety, and welfare of the general public, as well as the residents, businesses, and tenants using the properties served by private disposal firms.

257-66 **Registration Requirements:**

All commercial haulers shall register with the Municipal Services Department on a form approved by the Director. At the time of registration, the firm/individual shall demonstrate that they have the necessary permits/approvals from the firm operating the disposal site to utilize their facility.

257-67 **Disposal of Waste under City Gross Annual Tonnage:**

The commercial haulers who pick up materials in the City of Franklin are eligible to dispose of these materials at the regional incinerator facility under the Gross Annual Tonnage allotment established yearly for 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. The individual haulers are billed by the City for the tonnage of the disposed materials. An administrative handling fee is in effect 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.

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.

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 to be informed of the listed of banned and prohibited materials and 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 5 AM to 7 PM, Monday through Saturday. No collections are to be made outside of these hours.

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 procedure 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, wind-blown 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.

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 compliance 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 Rabinowitz _____

Councilor Boyd _____

Councilor Starkweather _____

Councilor Feener _____

Councilor Sharon _____

Councilor LeBlanc _____

Councilor Bowers _____

Councilor Andreozzi _____

Councilor Audet _____

A True Copy Attested _____
City Clerk

Passed: December 7, 2009

Approved: _____