

ORDINANCE 2019-21

**AN ORDINANCE TO AMEND TITLE 17 – MUNICIPAL SOLID WASTE DISPOSAL,
CHAPTER 1, FOR THE PURPOSE OF ELIMINATING PROVISIONS FOR THE
DELIVERY OF COMMERCIAL DUMPSTER SERVICE BY THE CITY OF FRANKLIN**

WHEREAS, for the purpose of promoting the public health, safety, comfort, convenience, and general welfare of the people of Franklin, Tennessee, the Board of Mayor and Aldermen is authorized to prescribe regulations and standards that encourage and advance the quality of life within the City; and

WHEREAS, the Franklin Board of Mayor and Aldermen have, on behalf of the citizens of Franklin, invested in a solid waste management facility located at 411 Century Court; and

WHEREAS, the City of Franklin is endeavoring to equitably charge for services provided by the Sanitation and Environmental Services Department based on customer type, delivery method, and type of container used for providing the service; and

WHEREAS, through a cost of service analysis, it has been identified that the commercial dumpster service is significantly under-recovering costs associated with the delivery of services; and

WHEREAS, the Franklin Board of Mayor and Aldermen have directed staff, through Resolution 2019-22, to draft language to update Franklin Municipal Code to eliminate the provisions for non-residential dumpster service provided by the City of Franklin, Sanitation and Environmental Services Department.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, TENNESSEE, AS FOLLOWS:

SECTION I: That Title 17, of the Franklin Municipal Code is hereby amended as follows, and only those sections changed are listed below:

TITLE 17 - MUNICIPAL SOLID WASTE DISPOSAL

CHAPTER 1. - MUNICIPAL SOLID WASTE

Sec. 17-101. - Definitions.

- (9) *Dumpster*. Steel waste receptacles of not less than two cubic yards and not more than eight cubic yards designed for the storage of MSW.
- (10) *Nonresidential service*. MSW service provided to nonresidential service locations which includes but is not limited to federal, state, county and municipal government locations, educational institutions, hospitals, lodges, clubs, multifamily dwelling complexes of three or more units, as well as business, commercial, industrial and office establishments. The service by the department may be provided for using a rollout container, as determined by the director.

Sec. 17-111. - Nonresidential service.

- (1) Every nonresidential service location shall place all MSW in a city-issued rollout container and shall maintain the container and the surrounding area in a clean, neat and sanitary condition. All containers shall be cleaned and disinfected on a regular basis.
- (2) The City does not provide nonresidential dumpster services.
- (3) Nonresidential customers using rollout containers for collection shall provide sufficient containers to properly store one week's accumulation of MSW. The administrative set-up fee for a city-approved rollout container shall be as specified in appendix A, comprehensive fees and penalties. All nonresidential customers requiring any combination of six or more rollout containers for weekly service shall be required to acquire dumpsters for service from a vendor other than the City of Franklin. Any exceptions must be specifically approved by the director.
- (4) Nothing in this section shall prohibit nonresidential establishments or private residents from removing their own MSW or from contracting with a private collector for such removal, provided said private collector shall have a valid permit or license to do business within the city.
- (5) Right-of-way obstruction permit.
 - (a) In no event shall public or private dumpsters, roll out containers or other containers be placed on a public street, right-of-way or public property:
 - (i) Without express written consent of the city street department director upon application, approval and tender of a permit fee as specified in appendix a, comprehensive fees and penalties, for a right-of-way obstruction permit;
 - (ii) Without posting a cash bond or certified check deposit as specified in appendix a, comprehensive fees and penalties, to secure payment for any damage to the street, right-of-way or public property;
 - (iii) For longer than 30 days unless the right-of-way obstruction permit is renewed and approved by the city street department director; or
 - (iv) Such that it poses a hazard to public safety or a health and sanitation nuisance under the provisions of title 13, chapter 1 of this Code.
 - (b) Failure to secure a right-of-way obstruction permit or to abide by its conditions shall subject the violator the penalties in section 17-116 of this Code. In addition, the department is authorized to remove any dumpster or container which is not in compliance with this section. Prior to any removal, the street department director shall give a notice of intent to remove a dumpster to the permittee or MSW collector by first class mail and by posting a copy of the notice on the dumpster or container. The notice shall set out the conditions that render the dumpster or container to be noncompliant. If such conditions are not corrected to the director's satisfaction within five days from the date of the notice, the director or his designee shall remove the dumpster at the expense of the permittee or MSW collector.

Sec. 17-112. - Special collection services.

- (3) *Residential Remodeling/clean-up dumpsters.* Dumpsters for the disposal of remodeling, light construction, or general clean-up waste may be available from the department. Each dumpster (two to eight cubic yards) shall be properly loaded and emptied at least once per week. A maximum usage of three consecutive calendar weeks will be allowed. For the safety of collectors, no dumpster with protruding items from the sides or top will be serviced. Fees for residential remodeling/clean-up dumpster services are specified in appendix A, comprehensive fees and penalties.

Sec. 17-115. - Schedule of fees for disposal of MSW and frequency of collection.

- (2) *Nonresidential.*
 - (a) A fee as specified in appendix A, comprehensive fees and penalties, shall be charged for every rollout container serviced by the city.
 - (b) *Special event.* To be determined by the director, depending on size, duration and nature of event.
- (3) *Transfer station tipping fee(s).* Tipping fee(s), as specified in appendix A, comprehensive fees and penalties, shall be charged for all MSW delivered to the city-owned transfer station for hauling and disposal at landfill locations.

SECTION II: BE IT FINALLY ORDAINED by the Board of Mayor and Aldermen of the City of Franklin, Tennessee, that this Ordinance shall take effect after its passage on second and final reading for the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____

By: _____

Eric S. Stuckey
City Administrator/Recorder

Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____