

ORDINANCE 2016-42

TO BE ENTITLED: “AN ORDINANCE TO AMEND TITLE 17 – REFUSE AND TRASH DISPOSAL OF THE FRANKLIN MUNICIPAL CODE FOR THE PURPOSE OF PROVIDING FOR VARIOUS CLARIFICATIONS AND OTHER GENERAL HOUSEKEEPING, AND APPENDIX A – COMPREHENSIVE FEES AND PENALTIES TO BE CONSISTENT WITH THE AMENDMENTS TO TITLE 17”

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, in its legislative judgment, the Board of Mayor and Aldermen has found that ordinances and policies that regulate land use, guide the maintenance of the City’s infrastructure, and delivery of essential services must be dynamic and modified from time to time to reflect changes in best practices, model codes, land and labor costs, and safety standards necessary to preserve and promote the private and public interest; 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 facility is used by the City of Franklin for solid waste transportation of waste collected by the City and private hauling companies; 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, defining the required steps for establishing and remitting payment for City services are necessary and proper,

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

SECTION I: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Title 17, of the Franklin Municipal Code is hereby amended by deleting the text noted with a strikethrough and inserting the text noted are approved to read as follows:

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 on June 1, 2018 and 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 Stuckey

Dr. Ken Moore

City Administrator/Recorder

Mayor

Approved as to form by:

Shauna R. Billingsley

City Attorney

PASSED FIRST READING

PASSED SECOND READING

TITLE 17 - ~~REFUSE AND TRASH~~ MUNICIPAL SOLID WASTE DISPOSAL

CHAPTER 1. ~~--~~ MUNICIPAL SOLID WASTE

Sec. 17-101. - Definitions.

1. Municipal Solid Waste (MSW). Garbage, rubbish, refuse, industrial lunchroom or office waste, household waste, yard waste, and any other material resulting from the operation of residential, municipal, commercial or institutional establishments and from community activities.
2. Administrative Set-up Fee. Fee paid to the Sanitation and Environmental Services department per rollout container, including assembly, delivery, and any future repairs and parts replacement.
3. Brush. Limbs, large sticks and other similar cuttings from trees and shrubs.
4. Bulky Waste. Large items of MSW such as white goods (household appliances), mattresses, furniture and other oversize wastes whose large size precludes safe or convenient loading in approved waste containers or complicates handling by normal collection, processing, or disposal methods or vehicles.
5. City. The City of Franklin, Tennessee
6. Condominium. Types of buildings that include two (2) or more single-family dwelling units whose exterior building entrance leads to a common, shared hallway which has individual entrances leading from this common hallway into each individual single-family unit. These dwellings are classified as nonresidential for purposes of City MSW collection services and City service is not mandatory.
7. Department. The Department of Sanitation and Environmental Services unless otherwise specified as provided in this title.
8. Director. The director of the Sanitation and Environmental Services department, or his authorized agent or representative unless otherwise specified.
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. The containers shall meet City standards for service, as provided in this title.
10. ~~Nonresidential Service by the Department of Sanitation and Environmental Services all service locations within the city except those locations specified under residential service.~~ MSW service provided to ~~NN~~nonresidential service locations ~~-shall~~which includes but ~~are~~is not limited to federal, state, county and municipal government locations, educational institutions, hospitals, lodges, clubs, multifamily dwelling complexes of three (3) or more units, as well as business, commercial, industrial and office establishments. The service by the Department may be provided for through the use of a dumpster or rollout container, as determined by the Director. Classification as a nonresidential service location shall normally preclude classification as a residential service location. ~~limits of the City.~~
11. Residential Service. MSW service available from the Department ~~by the Department of Sanitation and Environmental Services~~ to include ~~single- or two-family dwelling units,~~

townhomes, and mobile homes, as determined by the Director, that do not maintain centralized locations for MSW dumpsters. a residential property. This service is mandatory for residentially occupied buildings, detached single-family dwellings, duplexes, mobile homes and townhomes. A monthly service fee will be charged to each location for which this service is available.

~~1. *Solid waste.* The term "solid waste," as hereinafter referred to in this chapter, shall include garbage, rubbish, and all other putrescible and nonputrescible, combustible and noncombustible materials originating from the preparation, cooking, and consumption of food, market refuse, waste from the handling and sale of produce, and other similar unwanted materials, from residences and establishments, public and private, but shall not include sewage, body waste, recognizable industrial or medical by-products.~~

~~2.12. *Hazardous refuse/waste.* The term "hazardous refuse" shall mean any~~ Any chemical compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, ~~infectious,~~ or otherwise harmful.

~~3.13. *Infectious wastes.* The term "infectious waste" means waste~~ Waste which contains pathogens with sufficient virulence and quantity so that exposure to the waste by a susceptible host could result in an infectious disease. For purposes of this policy, the following waste shall be considered to be infectious waste:

- a. *Isolation wastes.* Wastes contaminated by patients who are isolated due to communicable disease, as provided in the U.S. Centers for Disease Control Guidelines for Isolation Precautions, ~~in Hospitals, (February, 1997/2007), as it may be amended.~~
- b. *Cultures and stocks of infectious agents and associated biologicals.* Cultures and stocks of infectious agents, including specimen cultures from medical and pathological laboratories, cultures and stocks of infectious agents from research and industrial laboratories, wastes from the production of biologicals, discarded live and attenuated vaccines, and culture dishes and devices used to transfer, inoculate, and mix cultures.
- c. *Human blood and blood products.* Waste human blood and blood products such as serum, plasma, and other blood components.
- d. *Pathological wastes.* ~~Pathological wastes, such as t~~ Issues, organs, body parts, and body fluids.
- e. *Contaminated sharps.* All discarded sharps (e.g. hypodermic needles, syringes, pasteur pipettes, broken glass, scalpel blades) used in patient care or which have come into contact with infectious agents during use in medical, research, or industrial laboratories.
- f. *Contaminated animal carcasses, body parts, and bedding.* Contaminated carcasses, body parts (including fluids), and bedding of animals that were intentionally exposed to pathogens in research, in the production of biologicals, or in the in vivo testing of pharmaceuticals.
- g. *Facility-specified infectious wastes.* Other wastes determined to be infectious by a written facility policy.

- ~~4-14.~~ 4-14. *Industrial waste.* The term "industrial waste" shall mean ~~all~~ All such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous ~~waste refuse.~~ Waste produced by industrial activity which includes any material that is rendered useless during a manufacturing process.
- ~~5-15.~~ 5-15. *Construction and demolition waste.* The term "construction waste" shall mean ~~materials~~ Nonhazardous materials from construction, demolition, remodeling, construction site preparation, including but not limited to concrete and other masonry materials, rocks, ~~trees,~~ debris, dirt, bricks, fill, plaster, rebar, paving material and all types of scrap building materials.
- ~~6.~~ *Commercial solid waste.* The term "commercial solid waste" shall mean ~~solid waste resulting from the operation of any commercial, industrial, institutional or agricultural establishment, and multiple housing facilities.~~
- ~~7.~~ *Residential solid waste.* The term "residential solid waste" shall mean ~~solid waste resulting from the maintenance and operation of dwelling units, excluding multiple housing facilities. This also excludes specific wastes defined and/or included in other parts of this chapter.~~
- ~~8-16.~~ 8-16. *Yard waste.* The term "yard waste" shall mean, ~~leaves, small trees, grass clippings and shrubby trimmings.~~
- ~~9.~~ *Grass clippings.* The term "grass clippings" shall mean ~~any residue remaining from the cutting, clipping, or trimming of grass from any home, business, or agricultural endeavor.~~
- ~~10.~~ *Garbage.* The term "garbage" shall include ~~all putrescible waste, except sewage and body waste, including vegetable and animal offal and carcasses of dead domesticated animals at the discretion of the sanitation and environment services department director, but excluding recognizable industrial by-products, from all public and private residences.~~
- ~~11.~~ *Rubbish.* The term "rubbish" shall include ~~all nonputrescible waste materials except ashes from all public and private residences and establishments.~~
- ~~12-17.~~ 12-17. *Ashes.* The term "ashes" shall include ~~the waste products~~ Residue from coal, wood, and other ~~fuels used for cooking and heating~~ combustible materials from all public and private residences and establishments.
- ~~13-18.~~ 13-18. *Collector.* The term "collector" shall mean ~~any person or firm, corporation, or political subdivision that~~ entity that collects, transports, or disposes of any ~~refuse~~ MSW within the corporate limits of the City of Franklin.
- ~~14.~~ *Health officer.* The term "health officer" shall mean ~~the Sanitation and Environment Services Department Director of the City of Franklin or his authorized representative.~~
- ~~15.~~ *Bulk container.* The term "bulk container" shall mean ~~steel waste receptacles of not less than two cubic yards and not more than eight cubic yards designed for the storage of solid waste. The containers shall meet industry standards for service.~~
- ~~16-19.~~ 16-19. *Roll-out/rollout container.* The term "roll-out container" shall mean ~~a~~ A standard ~~city~~ City issued ~~90-gallon~~ container designed for the storage of ~~solid waste~~ MSW or recyclables prior to collection.

~~17. The pronouns *he, him* and *his* shall refer to persons of the female as well as the male gender, as applicable.~~

~~20. Tipping fees. The term "tipping fee(s)" shall mean the fee(s) imposed at the City of Franklin Transfer Station on all waste brought to the facility for transfer to an appropriate disposal site.~~

~~21. Recyclables. Any item approved by the Director for collection as a commodity designated for reuse or delivery to an established recycling center, from all residences and establishments, public and private, but shall not include hazardous waste, infectious waste, nonresidential MSW, industrial or residential MSW, sewage, body wastes, recognizable industrial or medical by-products.~~

~~22. Scavenging. Act of unauthorized persons going through solid waste or recyclables set out by customers for curbside collection.~~

~~23. Service Fee. The fee(s) imposed by the City for waste collection, processing and disposal services.~~

~~18.~~

Sec. 17-102. - Responsibility ~~for administration.~~

1. The ~~sanitation and environment services department director~~Director, or his authorized representative, shall have the authority to make and modify ~~regulations~~operations as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of ~~solid waste refuse~~MSW; provided that such regulations are not in violation of the provisions of this chapter.
2. The ~~sanitation and environment services department director~~Director, or his authorized ~~representative~~designee, shall be responsible for the enforcement of this chapter.
3. All ~~refuse MSW (including garbage and rubbish)~~ and ~~recyclables~~ as ~~heretofore~~ defined in this title shall be collected sufficiently and frequently to prevent the occurrence of nuisances and public health problems. The collection of ~~refuse MSW~~ within the City of Franklin shall be under the jurisdiction of the ~~sanitation~~Sanitation and ~~environmental~~Environmental services Services ~~department~~Department.
4. All site plans must be reviewed and approved by the ~~sanitation and environment services department director~~Director or his designee before building permits may be issued.

Sec. 17-103. - Premises to be kept clean.

All persons, firms, and corporations within the corporate limits of the City of Franklin are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of ~~refuse MSW~~, offal, filth, and trash. All persons, firms, and corporations are hereby required to store such ~~refuse MSW~~ in sanitary containers of the type described in this chapter between intervals of collection or to dispose of such material in a manner prescribed by the ~~sanitation and environment services department director~~Director so as not to cause a nuisance or become injurious to the public health and welfare.

Sec. 17-104. - Prohibited practices.

1. It shall be unlawful for any person, firm, or corporation to dump refuseMSW in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City ~~of Franklin~~.
2. The disposal of refuseMSW in any quantity by an individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated and/or with properly approved permits from the Tennessee Department of Solid Waste Management is expressly prohibited. All disposal of refuseMSW and garbage shall be by methods approved by the ~~sanitation and environmental services d~~Department under Tennessee Department of Solid Waste Management guidelines. Such methods shall include the maximum practical rodent, insect, and nuisance control at the place of disposal.
3. It shall be unlawful for any person, firm, or corporation to burn or attempt to burn refuseMSW on private or public property within the corporate limits of the City of Franklin ~~without first securing the approval of the appropriate city departments having jurisdiction~~.

Sec. 17-105. - Prohibited substances.

1. Substances prohibited from pick-up collection and, which shall not be deposited in garbage containers a dumpsters or rollout containers include, but are not limited to:
 - a. Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.
 - b. Any material that could be hazardous or injurious to cityCity employees or which could cause damage to cityCity equipment.
 - c. Hot materials such as ashes, cinders, etc.
 - d. Human or animal waste, which shall be prohibited unless it is placed and secured in a plastic bag.
 - e. Infectious wastes and hypodermic syringes. Used hypodermic syringes shall not be placed with other waste for collection by the City ~~of Franklin~~, but be disposed of by a licensed medical waste disposal firm.
 - f. "Construction and demolition waste" as defined by section 17-101. The removal and disposal of such materials shall be the responsibility of the construction contractor, developer or property owner. The Department may remove this non-containerized waste from curbside, with signed approval request from the property owner, for an added service fee as defined in Appendix A. Comprehensive Fees and Penalties.
 - g. Rocks, dirt, bricks, concrete, broken glass ~~unless in approved container~~, and sharp metal metal are not permitted in rollout containers or dumpstersglass.

Sec. 17-106. - Refusal of service.

The City ~~of Franklin~~ reserves the right to refuser refuse service to any occupant, tenant, owner, or business guilty of severe or repeated violations of this chapter or for hampering or interfering with

employees of the ~~sanitation and environmental services d~~Department in the discharge of their duties hereunder, and shall have the authority to require proof of alternate arrangements should service be refused. Should service be refused, the occupant, tenant, owner, or business may, within five working days, submit a written appeal to the ~~city~~City administrator~~Administrator~~. The ~~city~~City administrator~~Administrator~~ shall, within five working days of receipt of an appeal, issue a written response, upholding, vacating, or modifying the decision.

Sec. 17-107. - Accumulation of ~~refuse~~MSW.

Each owner, occupant, tenant, subtenant, lessee or others, using or occupying any building, house, structure, or grounds within the corporate limits of the City of Franklin where ~~refuse~~MSW materials or substances as defined in this chapter accumulate, or are likely to accumulate, shall provide an adequate number of suitable containers of a type approved by the ~~sanitation and environment services department director~~Director for the storage of such ~~refuse~~MSW.

Sec. 17-108. - Yard waste ~~and brush~~:-

1. *Leaves, lawn clippings, etc.*

- a. It shall not be the responsibility of the ~~sanitation and environmental services d~~Department of the ~~city~~City to shovel or pick up from the ground any loose accumulation of ~~refuse~~MSW, including leaves, lawn clippings, brush, etc. ~~Effective December 31, 2003, a~~All yard waste must be placed in biodegradable paper bags of not more than 33-gallon capacity.
- b. ~~The City shall not be responsible to remove any brush or limbs of trees unless said brush and limbs have been cut into lengths of not more than ten (10) feet or 18 inches in diameter. Limbs of trees measuring 15 inches or more in diameter shall be cut into lengths of not more than six (6) feet and weigh less than 75 pounds. All sSuchaid material shall be piled at curbside in an area at least three (3) feet away from obstacles, including mailboxes and utility boxes. Brush and limbs placed under overhead lines will not be collected. There shall be no MSW mixed with yard waste, bulky waste or brush left at curbside for collection. The collecting agency of the city shall not be responsible to remove any brush, trunks, or limbs of trees unless said brush shall have been cut into lengths of not more than ten feet. The trunks or limbs of trees measuring 15 inches or more in diameter shall be cut into lengths of not more than six feet and of a weight of no more than 75 pounds, and all of said material shall be piled at curbside.~~

Sec. 17-109. - Nurserymen, lawn services; duty to remove ~~trash~~yard waste.

Every nurseryman, lawn service, or other person who cuts trees or trims shrubs or grass as an ~~independent~~ contractor shall remove ~~and dispose or cause to be removed~~ all such ~~trash~~yard waste from the premises serviced by him.

Sec. 17-110. - Residential ~~solid waste~~MSWservice.

1. A fee for Residential service, as defined in this title, is shall be mandatory within the City as defined in Appendix A, Comprehensive Fees and Penalties. Residential service as defined shall be made available within the City limits however is not mandatory for use.

- ~~1.2.~~ The City shall provide one rollout container to each residential service location when that service is first added to the collection system and applicable administrative set-up fees have been received. Container shall remain the property of the City and be used to properly store one week's accumulation of MSW. ~~All residents shall provide sufficient city issued 90-gallon regulation containers to properly store one week's accumulation of refuse (including garbage and rubbish).~~
- ~~2.3.~~ The Director may require any residential ~~household~~ service location regularly exceeding 90 gallons of MSW in a collection period to make other approved disposal arrangements or to request use of a second container from the City. Any additional container will require an ~~second~~ additional administrative set-up fee and a ~~second~~ monthly payment for collection, as defined in Appendix A. Comprehensive Fees and Penalties. ~~The sanitation and environment services department director may require any residential household regularly exceeding 90 gallons or 200 pounds of garbage in a collection period, to make other approved disposal arrangements, or to purchase a second container from the city, which requires a second monthly payment for collection.~~
- ~~3.4.~~ The ~~official refuse collecting agency of the city~~ Department is ~~herein~~ authorized to confiscate or to remove unsatisfactory storage containers from the premises of residences and establishments, public and private, when in the discretion of the ~~sanitation and environment services department director~~ Director or his designated representative, such containers do not meet the requirements of this chapter. Such unsatisfactory containers shall be removed and disposed of at a place and in a manner designated by the ~~Department official collecting agency~~ only after the ~~agency~~ Department has diligently attempted to notify the owner or owners of such containers.
- ~~4.5.~~ The ~~sanitation and environmental services d~~ Department shall not be obligated to provide service where adequate containers are not provided.
- ~~5.6.~~ The owner or developer of all new, residential construction and development, within the City of Franklin, shall supply, at their expense, a ~~city~~ City-approved ~~garbage-rollout~~ container for that residence or housing unit, which shall become the property of the City of Franklin. As a condition of the issuance of the ~~city~~ City building permit, the owner or developer shall pay the sum as specified in ~~appendix~~ Appendix A, ~~comprehensive fees and penalties~~ Comprehensive Fees and Penalties, per ~~city~~ City-approved rollout container, that will remain at that address. This fee is payable to the ~~city~~ City when the building permit is issued.
- ~~6.7.~~ The containers shall remain the property of the ~~city~~ City at the property address where delivered, and are provided and assigned to residences for the health, safety, convenience and general welfare of the occupants. Containers that are damaged, destroyed, or stolen through neglect, improper use or abuse by the occupant-users shall be replaced by the ~~city~~ City at the expense of the occupants or the owner of the residence. Containers which are damaged ~~in the course of~~ during normal and reasonable usage or which are damaged or destroyed, through no abuse, neglect, or improper use of the occupant-users or residence owner shall be repaired or replaced by the ~~city~~ City at no charge to the occupant-users or residence owners. The containers shall not be damaged, destroyed, defaced, or removed from the premises by any person;

markings and identification devices on the containers except as placed or specifically permitted by the cityCity are expressly prohibited and shall be regarded as damage to the containers.

- ~~7. It shall be unlawful for any person, other than the occupant-user, to move, remove, upset, scatter, tamper, use, carry, away deface, mutilate, destroy, damage or interfere with the garbage container, or any refuse left for collection.~~
8. It shall be the responsibility of each occupant, on the scheduled day of collection, to place their container on the property side of the curb or street, or at the edge of the alley where serviceable alleys are available, or in a cityCity approved location for pick-up. Containers shall be placed in such a location as to be readily accessible for removal by the cityCity. The container shall be placed in such a manner as not to interfere with other MSW containers, curbside mailboxes, overhead power lines or tree branches, parked cars, vehicular traffic, utility boxes or in any other way that would constitute a public hazard or nuisance. Generally, this shall be within two (2) feet of the curb or edge of pavement, at least three (3) feet from obstructions such as those listed, and at least five (5) feet from any vehicle parked along the street. ~~Rollout Garbage~~ containers shall not be placed, without the express permission of the cityCity, on a public sidewalk, in the street, or in a drainage ditch.
9. Where service alleys are available, container shall be placed in a designated area on collection day. The area shall provide for one-way access by collection vehicles, ~~and shall be constructed of a 24" x 24" concrete pad for each container.~~
10. Containers shall be placed for collection no earlier than 7:00 P.M. on the day before collection, and no later than 7:00 A.M. on the scheduled day of collection. Containers must be removed from the curb, street, or alleyway no later than 7:00 P.M. on the day of collection.
11. Construction and demolition waste and yard waste, as defined in this chapter, are hereby prohibited from being placed in the 90-gallon rollout or other cityCity approved ~~residential garbage~~MSW collection containers.
12. City ~~garbage~~ collectors shall not enter houses, stores, garages, or open gates for the collection of ~~garbage or rubbish~~MSW, nor shall they accept any money or valuable gifts for their services from persons served.
13. All ~~garbage or refuse~~MSW must be drained of all liquids and wrapped in plastic or other equivalent material prior to placing it in any MSW storage ~~receptacle~~container. To eliminate odor and insects, reduce spillage and litter and discourage animals from getting into MSW containers, all waste shall be placed in plastic or paper bags which must be tightly secured. No waste shall be placed loose in the MSW container. Collection crews will not pick up spills and litter resulting from loose waste placed in containers.
- ~~13.~~14. The containers shall be maintained in a clean and sanitary manner and shall be thoroughly cleaned by washing or other method as often as necessary to prevent the breeding of flies and the occurrences of offensive odors.

~~14.15.~~ ~~Garbage and refuse~~MSW shall not be stored in close proximity to other personal effects which are not desired to be collected, but shall be reasonably separated in order that the collectors can clearly distinguish between what is to be collected and what is not.

~~15. Collection of white goods stoves, refrigerators, freezers, window type air conditioners, shall be collected by the collection agency. Refrigerators and freezers, shall have doors removed or secured in accordance with Tennessee Code Annotated, § 39-6-104, and have all contents removed. White goods shall be stored out of public view until collection. The city shall not be responsible for the removal of water heaters, central heat and air systems or other commercially installed appliances.~~

Sec. 17-111. - ~~Commercial Nonresidential solid waste~~MSWservice.

1. Every ~~commercial nonresidential establishment service location~~ shall place all ~~garbage~~MSW in a ~~city~~City approved container, and shall maintain the container and the surrounding area in a clean, neat and sanitary condition. All ~~bulk containers~~containers shall be cleaned and disinfected on a regular basis.
2. Any establishment that furnishes and maintains a ~~bulk container dumpster~~, or containers suitable for handling by ~~city~~City equipment may be serviced by the ~~city~~City as required provided that such container shall be of sufficient size and number. ~~Bulk container~~Dumpsters shall at all times be kept in a place easily accessible to ~~city~~City equipment as approved by the ~~sanitation and environment services department director~~Director. At no time shall objects, obstructions, or vehicles hinder in any way whatsoever the servicing of said containers.
3. All ~~bulk container dumpsters~~ to be serviced by ~~city~~City equipment shall be front-end loading enclosed, metal containers. Before any such container shall be serviced by the ~~city~~City, it shall be specifically approved by the ~~sanitation and environment services department director~~Director as to capacity, size, type and location. No container shall exceed eight cubic yards capacity.
4. ~~Bulk container~~Dumpsters shall be placed on approved service pads to be constructed of six-inch thick concrete reinforced with steel and of a size of no less than 12 by 12 feet square. Screening shall be permitted on three sides only. A gate must be placed on the dumpster screening. Service of containers in gated enclosures may be provided by the ~~City of Franklin Department of Sanitation and Environment Services~~Department if the gates meet all specifications set by the department.
5. ~~Businesses using regulation 90-gallon cans~~Nonresidential customers using rollout containers -for collection shall provide sufficient containers to properly store one week's accumulation of ~~refuse~~MSW. The ~~cost of a city approved 90-gallon~~administrative set-up fee for a ~~City approved rollout container can~~ shall be as specified in ~~appendix~~Appendix A, ~~comprehensive fees and penalties~~Comprehensive Fees and Penalties. All ~~businesses nonresidential customers~~ requiring any combination of six or more ~~regulation 90-gallon~~rollout containers, for weekly service shall be required to acquire ~~regulation bulk container dumpsters~~ for service. Any exceptions must be specifically approved by the Director.

6. Nothing in this section shall prohibit ~~commercial-nonresidential~~ establishments or private residents from removing their own ~~solid-waste~~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~~City. ~~However, private citizens who contract with a private collector for removal will still be subject to the monthly refuse collection service fee from the city.~~

(7) Right-of-Way Obstruction Permit

- a. In no event shall public or private ~~commercial~~ dumpsters, roll ~~off-out~~ containers or other ~~bulk-container~~containers be placed on a public street, right-of-way or public property:
- i. Without express written consent of the ~~sanitation and environment services department~~City Street Department director upon application, approval and tender of a permit fee as specified in ~~appendix~~Appendix A, ~~comprehensive fees and penalties~~Comprehensive Fees and Penalties, for a ~~commercial dumpster permit~~Right-of-Way Obstruction permit;
 - ii. Without posting a cash bond or certified check deposit as specified in ~~appendix~~Appendix A, ~~comprehensive fees and penalties~~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 ~~commercial dumpster permit~~Right-of-Way Obstruction permit is renewed and approved by ~~the sanitation and environment services department~~the City Street Department director; ~~and or~~
 - iv. Such that it poses a hazard to public safety or a health and sanitation nuisance under the provisions of ~~title~~Title 13, ~~chapter~~Chapter 1 of this Code.
- b. Failure to secure a ~~commercial dumpster~~Right-of-Way Obstruction permit or to abide by its conditions shall subject the violator the penalties in section 17-~~114-116~~ of this Code. In addition, the ~~sanitation and environmental services d~~Department is authorized to remove any dumpster or container which is not in compliance with this section. Prior to any removal, the ~~sanitation and environment services~~Street department Department director shall give a notice of intent to remove a dumpster to the permittee or ~~refuse~~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 designees shall remove the dumpster at the expense of the permittee or ~~refuse~~MSW collector.

Sec. 17-112. - Special collection services.

1. ~~Commercial-Non-containerized bulky waste~~ collection. Any non-containerized bulky waste collected at shall be placed adjacent to and back of the curb, or adjacent to and back of the drainage ditch or catch basin, alley or street line if there is no curb, without blocking the roadway, any sidewalk, drainage ditch, or catch basin. Customers will be assessed a non-containerized bulky waste collection fee per 20 cubic yard truck load or any portion thereof as

specified in Appendix A, Comprehensive Fees and Penalties for bulky waste collection services~~commercial establishments utilizing bulk (2-8 cubic yard) containers shall be assessed a noncontainerized fee per 20 cubic yard truck load or any portion thereof.~~

2. ~~Roll-out commercial container excess.~~ Any waste collected at ~~commercial establishments service locations~~ utilizing ~~a city~~ issued ~~90-gallon roll-out carts~~ container that does not fit in the provided number of ~~90-gallon roll-out carts~~ containers, will be assessed an extra pick-up fee as specified in Appendix A, Comprehensive Fees and Penalties. ~~Volumes~~ The nature of the waste~~MSW~~ may, ~~at the discretion of the sanitation and environment services department director or his designee,~~ be such that standard ~~commercial non-containerized bulky waste collection fees~~ may be required, as specified in Appendix A, Comprehensive Fees and Penalties.
3. ~~Residential excess.~~ Any excess waste collected at residences may, based on volume and at the discretion of the sanitation and environment services department director or his designee, be assessed a fee commiserate with the standard commercial bulk collection fees.
3. 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 (2-8 cubic yards) shall be properly loaded and emptied at least once per week. A maximum usage of three ~~(3)~~ consecutive calendar weeks will be allowed. For the safety of collectors, no dumpster with protruding items from the sides or top will be serviced ~~until the customer removes said items.~~ Fees for residential remodeling/clean-up dumpster services are specified in Appendix A, Comprehensive Fees and Penalties. ~~Remodeling/clean-up containers.~~ Bulk containers for the disposal of remodeling, light construction, or general clean up may be available from the sanitation and environmental services department. Each eight cubic yard container shall be properly loaded and emptied at least once per week. A maximum usage of three consecutive weeks will be allowed.
4. Backdoor Residential. Backdoor residential rollout container services may be provided at no additional charge for customers with a medical condition. Each customer desiring backdoor service shall complete an application for such service on an annual basis.

Sec. 17-113. Billing for Sanitation Collection Services.

1. Bills may be rendered weekly, semi-monthly, or monthly, at the option of the City. Bills will consist of fees for services obtained by the customer from the City in accordance with the Application and Agreement for Service and the City and the provisions of the Municipal Code.
2. Sanitation collection service bills must be paid on or before the due date shown thereon. Payments made after the due date shall incur a penalty of ten (10) percent of the amount billed for sanitation services. If the delinquent balance is not paid within 60 days of the bill due date, nonresidential collection service may be discontinued without further notice until the balance of the bill is paid in full. The City shall not be liable for any damages resulting from discontinued service under the provisions of this section, even though payment of the bill is made at any time on the day that service is discontinued. Failure to receive a bill will not release a customer from payment obligation nor extend the due date.

3. Customers will have consolidated bills presented for other services including, but not limited to, water, wastewater, MSW and stormwater in accordance with the provisions of this Code.
4. Should the final date of payment of bill fall on a weekend or a holiday, the business day next following the final date will be the last day to avoid a penalty. A remittance received by mail after the time limit for payment will be accepted by the City if the envelope is date stamped on or before the final date for payment.

Section 17-114. Billing for Transfer Station Tipping Fees.

1. Transfer station services are billed one ~~(4)~~ month in arrears. The amount billed is due on the 15th of the month following the service month. Transfer station bills must be paid in full on or before the due date shown thereon to avoid an added penalty of ten ~~(10)~~ percent.
2. If a balance is not paid in full within 30 days of the bill due date, the customer's account will be deemed delinquent and use of the transfer station services will be suspended until the entire account balance is paid in full.
3. Failure to receive a bill will not release a customer from payment obligation nor extend the due date. City shall not be liable for any damages resulting from discontinued service(s) under the provisions of this section, even though payment of the bill is made at any time on the day the service is discontinued.
4. Should the final date of payment of bill fall on a weekend or a holiday, the business day next following the final date will be the last day to avoid a penalty. A remittance received by mail after the time limit for payment will be accepted by the City if the envelope is date stamped on or before the final date for payment.

Sec. 17-1135. - Schedule of fees for disposal of ~~garbage and refuse~~MSW and frequency of collection.

1. *Residential.* A fee as specified in ~~appendix~~Appendix A, ~~comprehensive~~Comprehensive fees-Fees and ~~penalties~~Penalties, shall be paid to the ~~city~~City for the disposal of ~~solid waste~~MSW for every household container (once per-week pickup).
2. ~~Commercial~~*Nonresidential.*
 - a. *[Roll-out and dumpster.]* A fee as specified in ~~appendix~~Appendix A, ~~comprehensive fees and penalties~~Comprehensive Fees and Penalties, shall be charged for every ~~rollout~~rollout and dumpster serviced by the City.
 - b. *Special event.* To be determined by the ~~sanitation and environment services department director~~Director, depending on size, duration and nature of event.
 - c. ~~Commercial~~*Nonresidential* cardboard recycling service. A fee as specified in ~~appendix~~Appendix A, ~~comprehensive fees and penalties~~Comprehensive Fees and Penalties, shall be charged for ~~commercial-nonresidential~~ cardboard recycling service.
3. *Transfer station tipping fee(s).* Tipping fee(s), as specified in ~~appendix~~Appendix A, ~~comprehensive fees and penalties~~Comprehensive Fees and Penalties, shall be charged for all

~~solid waste~~MSW delivered to the ~~Century Court~~City owned transfer station for hauling and disposal at landfill locations.

Sec. 17-1146. - Penalties.

1. Any person violating any of the provisions of this chapter ~~or the conditions of any permit issued hereunder~~ shall be served by the ~~city~~City with written notice stating the nature of the violation and providing up to 10 days ~~time limit~~ for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations. Service will be discontinued until such time as the violation is corrected.
2. Any person who shall continue any violation beyond the time provided for in subsection 17-1146(1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this Code.
3. Any person violating any of the provisions of this chapter shall become liable to the ~~city~~City for any expense, loss or damage occasioned by ~~city~~City personnel or equipment by reason of such violation.

~~Secs. 17-115—17-117. —[Deleted.]~~

~~These sections were deleted by Ord. No. 2002-31, Dec. 2002.~~

CHAPTER 2. - RECYCLING

Sec. 17-201. - Definitions.

1. *Recyclables.* ~~The term "recyclables," as hereinafter referred to in this chapter, shall include~~ any item approved by the ~~sanitation and environment services department director~~Director for collection as a commodity designated for reuse or delivery to an established recycling center, from all residences and establishments, public and private, but shall not include hazardous waste, infectious waste, commercial, industrial or residential solid waste, sewage, body wastes, recognizable industrial or medical by-products.

Recyclables may include cardboard, aluminum, tin, steel, newspaper or any other item approved by the ~~sanitation and environment services department d~~irector and ~~Williamson Recycles.~~

- ~~2. —Hazardous refuse. The term "hazardous refuse" shall mean any chemical compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property by reason of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, infectious, or otherwise harmful.~~

Sec. 17-202. - Responsibility for administration.

1. The ~~sanitation and environment services department director~~Director, or his authorized representative, ~~in conjunction with Williamson Recycles,~~ shall have the authority to make and modify regulations as necessary concerning the placement of recycling collection containers, hours of operation and or such other matters pertaining to the collection, transporting and disposal of recyclable materials; provided that such regulations are not in violation of the provisions of this chapter.

2. The ~~sanitation and environment services department director~~ Director or his authorized representative, shall be responsible for the enforcement of this chapter.
- ~~3.~~ All recyclables shall be collected sufficiently and frequently to prevent the occurrence of nuisance and public health problems. The collection of residential recyclables within the City of Franklin shall be under the jurisdiction of the ~~sanitation and environmental services department~~ Department in conjunction with Williamson Recycles.
- ~~4.3.~~ ~~Williamson Recycles or the City of Franklin Sanitation and Environmental Services Department shall be the only provider of bulk containers for recycling commodities in excess of eight cubic yards within the City of Franklin. All proposed container locations must be reviewed and approved by the sanitation and environment services department director or his designee before containers are placed.~~

Sec. 17-203. - Premises to be kept clean.

All areas where containers are placed are hereby required to be kept in a clean and sanitary condition, ~~free from accumulations of refuse, offal, filth, and trash~~ by the entity that operates and/or services the area.

Sec. 17-204. - Prohibited practices.

1. It shall be unlawful for any person, firm or corporation to dump recyclables in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City of Franklin.
- ~~2.~~ ~~The disposal of recyclables in any quantity by an individual, householder, establishment, firm, or corporation in any place, public or private, other than at the site or sites designated and/or properly approved by the Sanitation and Environmental Services Department of the City of Franklin and Williamson Recycles is expressly prohibited.~~

Sec. 17-205. - Prohibited substances.

1. Substances prohibited from collection and shall not be deposited in recycling containers include, but are not limited to:
 - a. Flammable liquids, solids or gases, such as gasoline, benzene, alcohol or other similar substances.
 - b. Any material that could be hazardous or injurious to ~~city~~ City employees or which could cause damage to ~~city~~ City equipment.
 - c. Hot materials such as ashes, cinders, etc.
 - d. Human or animal waste shall be prohibited.
 - e. Infectious waste and hypodermic syringes. ~~Used hypodermic syringes shall not be placed with recyclables for collection by the City of Franklin, but be disposed of by a licensed medical waste disposal firm.~~
 - f. Construction and Demolition waste as defined by section 17-101. The removal and disposal of such materials shall be the responsibility of the construction contractor,

developer or property owner. The Department may remove this non-containerized waste from curbside, with signed approval request from the property owner, for an added service fee as defined in Appendix A, Comprehensive Fees and Penalties.

e.g. Rocks, dirt, bricks, concrete, broken glass, and sharp metal are not permitted with recyclables.

Sec. 17-206. - Penalties.

1. Any person violating any of the provisions of this chapter or the conditions of any permit issued hereunder shall be served by the ~~city~~City with written notice stating the nature of the violation and providing up to ten days ~~time limit~~ for the satisfactory correction thereof. The offender shall, within the time period stated in such notice, permanently cease all violations. Service will be discontinued until such time as the violation is corrected.
2. Any person who shall continue any violation beyond the time provided for in subsection 17-11~~76~~(1) shall be guilty of a misdemeanor and shall be punishable under the general penalty clause of this Code.
3. Any person violating any of the provisions of this chapter shall become liable to the ~~city~~City for any expense, loss or damage occasioned by ~~city~~City personnel or equipment by reason of such violation.

APPENDIX A – COMPREHENSIVE FEES AND PENALTIES

CHAPTER 17. - ~~REFUSE AND TRASH~~ MUNICIPAL SOLID WASTE DISPOSAL

<i>Containers—Initial Cost <u>Administrative Setup Fee</u></i>	
Residential— City- <u>approved rollout container</u>	\$75.00 per container
Non-residential— <u>City approved rollout container</u> 90-gallon container	\$75.00 per container
<i>Collection Service Fees</i>	
Residential	
— <u>1st First rollout container</u>	\$17.50 per month (one pick-up/week)
<u>2nd Second</u> and subsequent <u>rollout containers</u>	\$7.50 per month/per container
Non-residential	
<u>First rollout container</u>	\$30.00 per month/per container (one pick-up service/week)
Rollout—Additional pick-up service	\$30.00 per pick-up service
<i><u>Residential and Nonresidential Dumpster Service</u></i>	
Dumpster service	\$110.00 per month/per container (one pick-up service/week)
	\$205.00 per month/per container (two pick-up services/week)

	\$300.00 per month/per container (three pick-up services/week)
	\$395.00 per month/per container (four pick-up services/week)
	\$490.00 per month/per container (five pick-up services/week)
Dumpster service—Customer provides city-approved container	\$95.00 per month/per container (one pick-up service/week)
	\$180.00 per month/per container (two pick-up services/week)
	\$265.00 per month/per container (three pick-up services/week)
	\$350.00 per month/per container (four pick-up services/week)
	\$435.00 per month/per container (five pick-up services/week)
Dumpster—Additional pick-up service	\$95.00 per service
Container delivery truck service	\$50.00 per dumpster/service
<i><u>Special Collection Services</u></i>	
Pick-up service for noncontainerized <u>bulky waste-refuse</u>	\$125.00 per vehicle/per request
Residential remodeling/clean-up dumpster	\$110.00 per service
<i>Special Event</i>	

Collection service	As determined by the sanitation Sanitation and environment Environmental services Services department dDirector
<i>Non-Residential Cardboard Recycling Service</i>	\$65.00 per month (one pick-up service/week)
	\$115.00 per month (two pick-up services/week)
	\$165.00 per month/per container (three pick-up services/week)
	\$215.00 per month/per container (four pick-up services/week)
	\$265.00 per month/per container (five pick-up services/week)
<i>Tipping Fees at Transfer Station</i>	
Class I	\$ 455 5.00 per ton—\$ 20 25.00 minimum
—Class III and IV (construction and demolition)	\$50.00 per ton—\$25.00 minimum
Public Right of Way Permits/Trash Containers	
—Permit	\$100.00
—Damage surety (cash bond or certified check)	\$1,000.00