

ORDINANCE 2016-42

TO BE ENTITLED: "AN ORDINANCE TO AMEND TITLE 17 – REFUSE AND TRASH DISPOSAL OF THE FRANKLIN MUNICIPAL CODE FOR 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 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 Title 17 in its entirety and replaced as follows:

TITLE 17 - 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 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 (3) or more units, as well as business, commercial, industrial and office establishments. The service by the Department may be provided for using a dumpster or rollout container, as determined by the Director.
11. **Residential Service.** MSW service available from the Department 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 monthly service fee will be charged to each location for which this service is available.
12. **Hazardous waste.** Any chemical compound, mixture, substance or article which may constitute a hazard to health or may cause damage to property because of being explosive, flammable, poisonous, corrosive, unstable, irritating, radioactive, or otherwise harmful.
13. **Infectious wastes.** 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 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, (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.** Tissues, 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 meet 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.
14. **Industrial waste.** All such wastes peculiar to industrial, manufacturing or processing plants and shall include hazardous waste. Waste produced by industrial activity which includes any material that is rendered useless during a manufacturing process.
15. **Construction and demolition waste.** Nonhazardous materials from construction, demolition, remodeling, construction site preparation, including but not limited to concrete and other masonry materials, rocks, debris, dirt, bricks, fill, plaster, rebar, paving material and all types of scrap building materials.
16. **Yard waste.** Leaves, small trees, grass clippings and shrubbery trimmings.
17. **Ashes.** Residue from coal, wood, and other combustible materials from all public and private residences and establishments.
18. **Collector.** any person or entity that collects, transports, or disposes of any MSW within the corporate limits of the City of Franklin.
19. **Rollout container.** A standard City issued container designed for the storage of MSW or recyclables prior to collection.
20. **Tipping fees.** 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.

Sec. 17-102. - Responsibility

1. The Director, or his authorized representative, shall have the authority to make and modify operations as necessary concerning the days of collection, location of containers, and such other matters pertaining to the collection, transporting and disposal of MSW; provided that such regulations are not in violation of the provisions of this chapter.
2. The Director, or his authorized designee, shall be responsible for the enforcement of this chapter.
3. All MSW and recyclables as defined in this title shall be collected sufficiently and frequently to prevent the occurrence of nuisances and public health problems. The collection of MSW within the City shall be under the jurisdiction of the Sanitation and Environmental Services Department.
4. All site plans must be reviewed and approved by the 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 are hereby required to keep their premises in a clean and sanitary condition, free from accumulations of MSW, offal, filth, and trash. All persons, firms, and corporations are hereby required to store such 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 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 MSW in any form into any stream, ditch, storm sewer, sanitary sewer, or other drain within the City.
2. The disposal of MSW 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 MSW shall be by methods approved by the 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 MSW on private or public property within the corporate limits of the City of Franklin.

Sec. 17-105. - Prohibited substances.

1. Substances prohibited from collection and, which shall not be deposited in 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 City employees or which could cause damage to City 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, 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, and sharp metal are not permitted in rollout containers or dumpsters.

Sec. 17-106. - Refusal of service.

The City reserves the right to 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 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 Administrator. The City 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 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 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 Director for the storage of such MSW.

Sec. 17-108. - Yard waste and brush

1. *Leaves, lawn clippings, etc.*

- a. It shall not be the responsibility of the Department of the City to shovel or pick up from the ground any loose accumulation of MSW, including leaves, lawn clippings, brush, etc. 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 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 feet and weigh less than 75 pounds. Such material shall be piled at curbside in an area at least three 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.

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

Every nurseryman, lawn service, or other person who cuts trees or trims shrubs or grass as a contractor shall remove and dispose all such yard waste from the premises serviced by him.

Sec. 17-110. - Residential service.

1. A fee for Residential service 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.
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.
3. The Director may require any residential 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 additional administrative set-up fee and monthly payment for collection, as defined in Appendix A. Comprehensive Fees and Penalties.
4. The Department is 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 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 only after the Department has diligently attempted to notify the owner or owners of such containers.
5. The Department shall not be obligated to provide service where adequate containers are not provided.
6. The owner or developer of all new residential construction and development within the City of Franklin, shall supply at their expense, a City-approved 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 building permit, the owner or developer shall pay the sum as specified in Appendix A, Comprehensive Fees and Penalties, per City-approved rollout container that will remain at that address. This fee is payable to the City when the building permit is issued.

7. The containers shall remain the property of the 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 at the expense of the occupants or the owner of the residence. Containers which are damaged 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 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 City are expressly prohibited and shall be regarded as damage to the containers.
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 City approved location for pick-up. Containers shall be placed in such a location as to be readily accessible for removal by the City. 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 feet of the curb or edge of pavement, at least three feet from obstructions such as those listed, and at least five feet from any vehicle parked along the street. Rollout containers shall not be placed, without the express permission of the City, 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.
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 rollout or other City approved MSW collection containers.
12. City collectors shall not enter houses, stores, garages, or open gates for the collection of MSW, nor shall they accept any money or valuable gifts for their services from persons served.
13. All MSW must be drained of all liquids and wrapped in plastic or other equivalent material prior to placing it in any MSW storage 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.

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.
15. MSW shall not be stored near 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.

Sec. 17-111. - Nonresidential service.

1. Every nonresidential service location shall place all MSW in a City approved 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. Any establishment that furnishes and maintains a dumpster, or containers suitable for handling by City equipment may be serviced by the City as required provided that such container shall be of sufficient size and number. Dumpsters shall always be kept in a place easily accessible to City equipment as approved by the Director. At no time shall objects, obstructions, or vehicles hinder in any way whatsoever the servicing of said containers.
3. All dumpsters to be serviced by City equipment shall be front-end loading enclosed, metal containers. Before any such container shall be serviced by the City, it shall be specifically approved by the Director as to capacity, size, type and location. No container shall exceed eight cubic yards capacity.
4. 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 Department if the gates meet all specifications set by the department.
5. 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. Any exceptions must be specifically approved by the Director.
6. 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.
7. 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.

1. *Non-containerized bulky waste collection.* Any non-containerized bulky waste 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.
2. *Rollout container excess.* Any waste collected at service locations utilizing City issued roll out container that does not fit in the provided number of rollout containers will be assessed an extra pick-up fee as specified in Appendix A, Comprehensive Fees and Penalties. The nature of the MSW may be such that standard non-containerized bulky waste collection fees may be required, as specified in Appendix A, Comprehensive Fees and Penalties.
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 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.

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

1. *Residential.* A fee as specified in Appendix A, Comprehensive Fees and Penalties, shall be paid to the City for the disposal of MSW for every household container (once per-week pickup).
2. *Nonresidential.*
 - a. *[Rollout and dumpster.]* A fee as specified in Appendix A, Comprehensive Fees and Penalties, shall be charged for every rollout and dumpster serviced by the City.
 - b. *Special event.* To be determined by the Director, depending on size, duration and nature of event.
 - c. *Nonresidential cardboard recycling service.* A fee as specified in Appendix A, Comprehensive Fees and Penalties, shall be charged for nonresidential cardboard recycling service.
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.

Sec. 17-116. - Penalties.

1. Any person violating any of the provisions of this chapter shall be served by the City with written notice stating the nature of the violation and providing up to 10 days for the satisfactory correction thereof. The offender shall, within the time stated in such notice, permanently cease all violations. Service will be discontinued until the violation is corrected.
2. Any person who shall continue any violation beyond the time provided for in subsection 17-116(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 for any expense, loss or damage occasioned by City personnel or equipment because of such violation.

CHAPTER 2. - RECYCLING

Sec. 17-201. - Definitions.

1. *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, 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 Director.

Sec. 17-202. - Responsibility for administration.

1. The Director, or his authorized representative, 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 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 Department.

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, 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.

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 employees or which could cause damage to 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.
 - 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 with written notice stating the nature of the violation and

providing up to ten days for the satisfactory correction thereof. The offender shall, within the time stated in such notice, permanently cease all violations. Service will be discontinued until the violation is corrected.

2. Any person who shall continue any violation beyond the time provided for in subsection 17-116(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 for any expense, loss or damage occasioned by City personnel or equipment because of such violation.

SECTION II: BE IT ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that Appendix A, Chapter 17, of the Franklin Municipal Code is hereby amended by deleting Appendix A, Chapter 17 in its entirety and replaced as follows:

APPENDIX A – COMPREHENSIVE FEES AND PENALTIES

CHAPTER 17. - MUNICIPAL SOLID WASTE DISPOSAL

<i>Containers—Administrative Setup Fee</i>	
Residential —City approved rollout container	\$75.00 per container
Nonresidential— City approved rollout container	\$75.00 per container
<i>Collection Service Fees</i>	
Residential	
First rollout container	\$17.50 per month (one pick-up/week)
Second and subsequent rollout containers	\$7.50 per month/per container
Nonresidential	
First rollout container	\$30.00 per month/per container (one pick-up service/week)
Rollout—Additional pick-up service	\$30.00 per pick-up service
<i>Residential and Nonresidential Dumpster Service</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>Special Collection Services</i>	
Pick-up service for noncontainerized bulky waste	\$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 and Environmental Services Director

<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	\$55.00 per ton—\$25.00 minimum

SECTION III: 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.

(See next page for signatures)

ATTEST:

CITY OF FRANKLIN, TENNESSEE:

By: _____
Eric Stuckey
City Administrator/Recorder

By: _____
Dr. Ken Moore
Mayor

Approved as to form by:

Shauna R. Billingsley
City Attorney

PASSED FIRST READING _____

PASSED SECOND READING _____