

Chapter 151

SOLID WASTE and RECYCLING

ARTICLE I. CURBSIDE

Sec. 151-1. Definitions

For the purposes of this chapter the following words and phrases shall have the meanings respectively ascribed to them in this section:

Bulky Waste: Large and/or bulky items such as discarded or broken furniture, large toys, mattresses, rugs, and other large or unwieldy refuse which cannot be placed in the assigned receptacle shall be considered bulky waste.

Clean and uncontaminated paper: Paper that has not been exposed to foreign substance or substances, or conditions rendering it unsuitable for recycling.

Cleanouts: Trash generated from cleaning of basements, attics, garages, etc. which require multiple collections or truck loads. Cleanouts are not considered normal residential trash and will not be collected by the Town. If, for whatever reason, the town finds it necessary to remove and dispose of a cleanout, the owner or occupant of the building or premises shall pay the town the total cost of removal and disposal as determined by the Director or his duly authorized agent.

Commercial trash: Any refuse and recyclable materials generated by the use of property for non-residential purposes, including, but not limited to, hotels, motels, institutions, offices, businesses and industry. The term "institution" includes, but is not limited to, hospitals, schools, and other educational and benevolent organizations.

Construction Material: Items from building construction, demolition, renovations, repairs, etc. This is not considered residential trash and will not be collected by the town.

Director: Town of Franklin Director of Public Works

Enforcing person: The Franklin Board of Health and its designees, DPW Director and his designee and any police officer of the Town of Franklin.

Garbage: Putrescible waste matter, animal or vegetable, from tables, kitchens, markets and stores.

Leaf and other yard wastes: Leaves, grass clippings, wood chips, shrub trimmings, plant cuttings and other materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the Director may determine.

Move outs: Trash resulting from vacating residential premises. Move outs are not considered normal residential trash and will not be collected by the town. If, for whatever reason, the town finds it necessary to remove and dispose of a move out, the owner or occupant of the building or premises shall pay the town the total cost of removal and disposal as determined by the Director or his duly authorized agent.

Non-profit trash: Any refuse and recyclable materials generated by the use of property for residential or non-residential non-profit institutions. The term "institution" includes religious, educational and other

charitable organizations that own real estate but do not pay town real estate tax.

Recyclable materials: Clean and uncontaminated paper; cardboard; glass; cans; aluminum; leaf and yard wastes; plastics; metals and other such materials as set forth by the Department of Environmental Protection of the Commonwealth of Massachusetts or as the Director may determine.

Refuse: All non-putrescible household solid wastes except those which constitute recyclable materials as defined herein.

Residential Premise: Single and multi family dwellings containing up to 6 units.

Plastics: High density polyethylene (HDPE) and polyethylene terephthalate (PET) plastics and other plastics as the Director may determine.

Recycling Center: A site designated on a permanent or temporary basis for drop-off and collection of certain recyclable materials.

Receptacle: Any Town-provided container that the Director may determine to be acceptable to utilize for the collection of trash and / or recyclable materials and or any other material that the Director may determine.

Single Stream Recycling: also known as fully commingled recycling refers to a system in which all paper and co-mingled materials are mixed together in a collection truck, instead of being sorted into separate commodities (newspaper, cardboard, plastic, glass, etc.) by the resident and handled separately throughout the collection process.

Trash: All non-recyclable materials, including, garbage and refuse from residential premises which receive municipal trash disposal services.

Waste Bans: Materials as listed under the Commonwealth of Massachusetts Regulation 310 CMR 19.017: Waste Disposal Ban Regulation. Items as listed will either not be collected or will be collected as a special collection per the Director.

Sec. 151-2. Department of public works—to have charge of removal, processing and disposal

The Department of Public Works, or its contractor, shall remove and process or dispose of all refuse, recyclable materials and garbage from residential premises, non-profit institutions, and from business premises which obtain a permit from the Director, based upon the volume and nature of trash generated, which are properly placed in Town-provided receptacles accordance with the requirements of this chapter

Sec. 151-3. Same—Employees, contractors and agents not to enter premises to remove; exception

Employees, contractors and agents of the Department of Public Works shall not enter upon private property to remove, garbage, refuse or recyclable materials, except when and where directed by the Director or his duly authorized agent.

Sec. 151-4. Subscriber consent to inspection of and access to Town provided receptacles

(a) By subscribing to the Town provided solid waste system a resident authorizes the department of public

works to allow access to his or her property to:

- (1) Locate and inspect Town provided receptacles or;
- (2) Remove, repair or replace Town provided receptacles or;
- (3) In any way move, label or otherwise change or modify any town provided receptacle.

Sec. 151-5. Garbage—Permit required to transport; exceptions

All persons transporting garbage through the public ways of the town from origination locations or to destinations within the town shall first obtain from the Board of Health a permit therefor. All persons offering these services are required to offer full recycling services to all places where collection of trash occurs within the town. All persons shall show evidence of such recycling plan of services, which plan must be approved by the Director or his designee and recommended to the Board of Health at the time of the annual permit request. All such permits shall expire at the end of the calendar year in which they are issued. No permit may be transferred without approval of the Board of Health.

Sec. 151-6. How trash to be placed for collection; weight of receptacles

(a) The town shall provide, or cause to be provided, one receptacle to each customer who receives municipal trash disposal services. The receptacle size shall be determined by the Director. The receptacle shall be owned by the town. Each subscriber shall:

(1) take proper care to protect such receptacle from misuse, loss, and damage; the town may require the resident to pay for any replacement carts due to such misuse, loss and/or damage; and

(2) return such receptacle to the town or have picked up by DPW, or its contractor, upon request of the Director; and

(3) In the event that they vacate the premises, shall leave such receptacle with the premises for use by the subsequent residents; if taken the town may require payment for such cart.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the Town Council. Only town authorized receptacles will be accepted for collection.

(c) Residents may also purchase trash bags, designated by the town for the sole purpose of trash collection, at a cost per bag established by the Town Council. Only town authorized bags will be accepted for collection. Bags shall not exceed thirty-five (35) pounds in weight.

(d) All material set out for collection must be in the town supplied receptacle, additional town supplied receptacle, as requested, or designated bags. Loose material or materials in other receptacles will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(e) Receptacles and designated bags shall be placed for collection in a manner which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the town, and/or in such a place as the Director, or his duly authorized agent, may designate or permit.

(f) No person except those individuals and companies authorized by the Director shall collect or pick up or cause to be collected or picked up, trash which has been placed for collection pursuant to Section 151-6.

(g) Receptacles shall only be used to dispose of trash generated at the property address to which that receptacle is assigned.

Sec. 151-7. How recyclable materials to be placed for collection

(a) The town shall provide, or cause to be provided, one recycling receptacle to each customer who receives municipal trash disposal services. The receptacle size shall be determined by the Director. Only

town authorized receptacles will be accepted for collection. The residents of each such premises shall:

(1) take proper care to protect such recycling container from misuse, loss and damage ; the town may require the resident to pay for any replacement carts due to such misuse, loss and/or damage; and
(2) return such recycling container to the town, or its contractor, upon request of the Director; and
(3) in the event that they vacate the premises, shall leave such recycling container with the premises for use by the subsequent residents; if taken the town may require payment for such cart.

(b) If additional receptacles are required, additional receptacles shall be provided at the request of the homeowner at an annual charge established by the Town Council. Only town authorized receptacles will be accepted for collection.

(c) Recyclable materials are to be set out in containers as directed by the rules and regulations of the Director.

(d) Leaf and yard waste is to be set out in containers as directed by rules and regulations of the Director of public works.

(e) All recyclable material set out for collection must be in the town supplied receptacle. Loose material will not be collected. All material put out must fit within the receptacle provided so that the receptacle lid remains closed.

(f) Receptacles shall be placed for collection as designated by the Director or his/her designee which does not obstruct vehicular and / or pedestrian passage. All receptacles must be placed so that they are easily accessible for collection by the town, and/or in such a place as the Director, or his duly authorized agent, may designate or permit.

(g) No person except those individuals and companies authorized by the Director shall collect or pick up or cause to be collected or picked up, recyclable materials which have been placed for collection pursuant to Section 151-7.

(h) Receptacles shall only be used to dispose of recycling generated at the property address to which that receptacle is assigned.

Sec. 151-8. When trash and recyclable materials to be placed for collection; carts to pass through streets only once

(a) Trash and recyclable materials shall be placed for collection on such day or days as may be designated for collection by the Director. The Director may designate the specific days of collection for particular areas of the town and/or types of trash and/or recyclable materials. Trash and recyclable materials shall be placed for collection between 5:00 p.m. of the day preceding collection and 7:00 a.m. of the day of collection. Collection vehicles having passed through the street will not be sent back to collect any such materials placed for collection after 7:00 a.m.

(b) All empty receptacles, or items not picked up by the hauler shall be removed from the area of collection and returned to the private property of the person(s) who owns or is assigned to the specific receptacle(s) prior to midnight of the day of collection.

(c) When the collection of trash or recyclable materials is delayed due to weather conditions, holidays, or other causes, pick up will extend for 1 day or such further period as the Director shall determine and the receptacle placement and removal period specified in subparagraph (a and b) above shall be extended accordingly.

Sec. 151-9. Participation in and enforcement of recycling and trash program

(a) All residents and property owners whose trash is collected by the town shall comply with sections 151-6, 151-7 and 151-8 when placing materials for collection, unless specifically exempted pursuant to the provisions of subsection (b). Failure to comply shall result in the imposition of a written warning for the first offense, fifty dollar (\$50.00) civil fine for the second offense and one-hundred dollar (\$100.00) civil fine for the third and subsequent offenses.

- (b) If compliance with the requirements of subsection (a) imposes undue hardship upon a person, that person may request an exemption from this bylaw from the Director.
- (c) All offences shall be attributable to the property owner who shall be liable for the fines specified above.
- (d) The Director or his designee shall be authorized to enforce these provisions.

Sec. 151-10. Permit to cart trash and/or recyclable materials

All persons transporting trash and/or recyclable materials on public ways of the town from points outside the town and to destinations outside the town shall register with the Board of Board of Health pursuant to Mass. Gen. Laws c. 111, § 31A. Such garbage shall be transported in accordance with such rules and regulations as the Board of Health shall make.

Sec. 151-11. Tipping over, etc.; slippery substances

No person other than an authorized hauler shall intentionally remove, disturb or handle the contents of or tip over or upset containers or receptacles standing upon the sidewalk or within the street limits.

Sec. 151-12. Large, bulky, etc., refuse

- (a) The Department of Public Works may remove and dispose of one (1) bulky waste item per household per week. All the materials put out for removal shall be of such form and so prepared and placed as the Director may specify or accept, otherwise they will not be removed by the town.
- (b) The Director in his sole discretion may remove and dispose of more than one (1) bulky waste item per household per week in accordance with the provisions relating to cleanouts and move outs.

Sec. 151-13. Option for Solid Waste Exemption

Customers may opt out of the Town solid waste program if they provide evidence of licensed alternative hauler and schedule with the DPW for carts to be removed. Service cessation and, once terminated, reinstatement requires payment of a fee established by the Town Council.

- (1) The Residential Application for Exemption of Solid Waste Fee shall be completed annually and submitted with a current copy of the annual contract or copy of last paid invoice.
- (2) If the customer has been receiving service prior to receipt of exemption, he/she shall have the cart picked up and shall ensure that it is empty and clean.

Secs. 151-14. Commingling of Waste Prohibited

A person having a residential trash collection permit and who engages in the collection of residential solid waste within the Town shall not commingle any residential waste collected or received from dwelling units or municipal buildings located in the Town with any commercial or industrial solid waste or with any residential waste generated in another municipality. In addition, such person shall deliver on behalf of the Town to the Wheelabrator Millbury, Inc., refuse to energy facility only solid waste collected or received from residential dwelling units and municipal buildings located within the Town.

Secs. 151-15. Mandatory Recycling

In order to reduce the costs of solid waste disposal, no person shall deposit for municipal trash pickup any material considered to be leaf and other yard waste nor any material collected in the municipal curbside recycling program.

Secs. 151-16 Cart Maintenance and Responsibility

All Trash and Recycling carts provided by the DPW remain the property of the Town of Franklin. DPW responsibilities include:

- (a) Repairs including, but not limited to wheels, axles, lids, hinge pins and RFID tags.
- (b) Replacement or removal

Customer responsibilities include:

- (a) Regular periodic cleaning and disinfecting
- (b) Properly storing when not put out for collection

Secs. 151-17 Lifeline Rates

The rate for curbside trash collection may be discounted by a lifeline rate of 25% per quarter to residential accounts where the household income does not exceed the current maximum income eligibility guidelines for the Low Income Home Energy Assistance Program (LIHEAP) as determined by the U. S. Department of Health and Human Services, Administration for Children and Families

Eligibility for the Lifeline Program may be certified for a one –year period by

- (a) Presenting written evidence to the Town of participation in LIHEAP; or
- (b) By certification by a Town department or other public agency that the applicant income does not exceed those current income limits based on household size.

Secs. 151-18 – 33 Reserved

ARTICLE II. RECYCLING CENTER

Sec. 151-34. Control of operation and use

The Director shall have custody and control and charge of the operation of the recycling center maintained by the town. He is authorized, subject to the provisions of this article and to any other applicable order of the Town Administrator, to prescribe, and from time to time amend, rules and regulations governing the operation and use thereof. The Director may use the recycling center for the collection of recyclable materials.

Sec. 151-35. Regulations of use

Use of the recycling center maintained and/or operated by the town or by a contractor under contract with the town to do the same, by other than town employees acting within the scope of their employment, shall be limited to residents of the town, and to such other persons as may establish to the satisfaction of the Director that they are engaged in business activities within the town which require the depositing of

recyclable materials from such operations. All such use shall be upon permission of and in accordance with the rules of the Director. No person shall dispose of any trash or deposit any recyclable materials originating outside the limits of the town at the recycling center. No person shall dump trash or fee based items without payment to the attendant.

- a) The fine for each violation of this provision is \$300. The Director or his designee shall be authorized to enforce these provisions.
- b) All persons except town employees acting within the scope of their employment, using the recycling center shall do so at their own risk.

Sec. 151-36 Recycling Center Rates and Requirements

Requirements for use of the Recycling Center will be set by the Director.

Recycling Center requirements':

- (a) Use limited to Franklin based businesses and residents.
- (b) Current sticker affixed on each vehicle entering the facility.
- (c) Materials may only be delivered during operating hours.
- (d) Clean and separated materials per posted notice or direction of the station attendant.
- (e) No trash or non-accepted recycling items.

Stickers for the following fiscal year will be available for sale starting June 1 of the previous fiscal year and are to be affixed on the vehicle at time of purchase.

(151-37-151-39 Reserved)

Article III – Improper Trash and Waste Disposal

151-40 General Prohibition

No person shall dispose of trash or waste other than as provided in Article I of this Chapter.

151-41 Specific Prohibition

Without limiting the general prohibition contained in Section 151-40:

(a) No person shall dispose of commercial or household trash, garbage, or waste in any dumpster or receptacle located on municipal property or private property owned by a third party without express written permission to do so.

(b) No person shall dump or otherwise dispose of any appliance, mattress, furniture, building or construction material, or other commercial or household trash, waste, or garbage on any public or private property.

151-42 Hazardous Material Prohibition

No person shall dispose of an automobile battery, fluorescent light bulb or fixture, cathode ray tube or other item which constitutes or contains hazardous material as defined in G.L. Chapter 21E or 310 Code of Massachusetts Regulations, Section 30 within the Town except at such facility as may be specifically provided for such disposal at the Recycling Center or at a hazardous material collection event.

151-43 Penalty for Violation

Any person who violates any prohibition contained in this Article shall be subject to a fine of \$300 for each offense; each improperly disposed of item shall constitute a separate offense.

151-44 Enforcement

The Director or his Designee, the Franklin Police Department, the Building Commissioner or his Designee, the Board of Health Agent and the Conservation Agent shall each have authority to enforce the provisions of this Article.