



HISTORIC  
FRANKLIN  
TENNESSEE

ITEM #14  
WRKS 08/24/2010

## MEMORANDUM

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August 16, 2010

TO: Board of Mayor and Aldermen

FROM: Eric Stuckey, City Administrator *ES*  
Vernon Gerth, ACA - Community and Economic Development

SUBJECT: Codifying Fees: Title 17 – Refuse and Trash Disposal

### **Purpose**

This ordinance amendment is part of our ongoing work to codify all the fees and penalties located within the City of Franklin Municipal Code into Title 22 - Comprehensive Fees and Penalties. Title 17 – Refuse and Trash Disposal is presented for consideration by the Board of Mayor and Aldermen (BOMA).

### **Background**

Serving our residents is a top priority and communicating accurate information in a timely manner is essential to achieving a quality and appreciated service. With twenty-two titles in the city's Municipal Code, it is often difficult for customers and staff to identify applicable fees and penalties. A typical scenario may require a customer to visit more than one department to obtain information that should be readily available from any employee or on the City's website. Codifying fees and penalties to a single location will improve our services.

### **Financial Impact**

The codifying effort should result in increased clarity and accuracy in the collection of various fees and penalties.

### **Recommendation**

A motion to approve the proposed ordinance amendment is recommended.

### **Attachments**

- Ordinance amendment for Title 17 – Refuse and Trash Disposal
- Ordinance amendment for Title 22 – Comprehensive Fees and Penalties

ORDINANCE 2010-58

**TO BE ENTITLED: "AN ORDINANCE TO AMEND VARIOUS SECTIONS OF THE CITY OF FRANKLIN MUNICIPAL CODE, TITLE 17, REFUSE AND TRASH DISPOSAL RELATING TO THE CODIFYING OF VARIOUS FEES AND PENALTIES."**

**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 Board of Mayor and Aldermen has decided to create a separate title in the Franklin Municipal Code for the sole purpose of listing all the fees and penalties charged and assessed by the City, entitled Title 22 - Comprehensive Fees and Penalties.

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

**SECTION I:** That Title 17, Chapter 1, Section 17-110 (5) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strike through~~ and inserting the text noted in **bold**, and is approved to read as follows:

- (5) The owner or developer of all new, residential construction and development, within the City of Franklin, shall supply, at their expense, a city approved garbage 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 Title 22 – Comprehensive Fees and Penalties** of ~~\$75.00~~, per city-approved container, that will remain at that address. This fee is payable to the city when the building permit is issued.

**SECTION II:** That Title 17, Chapter 1, Section 17-111 (5) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strike through~~ and inserting the text noted in **bold**, and is approved to read as follows:

- (5) Businesses using regulation 90-gallon cans for collection shall provide sufficient containers to properly store one week's accumulation of refuse. The cost of a city-approved 90-gallon can shall be **as specified in Title 22 – Comprehensive Fees and Penalties** ~~\$75.00~~. All

businesses requiring any combination of six or more regulation 90-gallon containers, for weekly service shall be required to acquire regulation bulk containers for service.

**SECTION III:** That Title 17, Chapter 1, Section 17-111 (7)(a) of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold**, and is approved to read as follows:

- (7)(a) In no event shall public or private commercial dumpsters, roll off containers or other bulk containers be placed on a public street, right-of-way or public property:
- (i) without express written consent of the solid waste director upon application, approval and tender of a permit fee **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$100.00~~ for a commercial dumpster permit;
  - (ii) without posting a ~~\$1,000.00~~ cash bond or certified check deposit **as specified in Title 22 – 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 is renewed and approved by the solid waste director; and
  - (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.

**SECTION IV:** That Title 17, Chapter 1, Section 17-113 of the City of Franklin Municipal Code is hereby amended by deleting the text noted with a ~~strikethrough~~ and inserting the text noted in **bold**, and is approved to read as follows:

**17-113. Schedule of Fees for Disposal of Garbage and Refuse and Frequency of Collection.**

- (1) Residential. A fee **as specified in Title 22 – Comprehensive Fees and Penalties** of ~~\$15.00 per month shall be paid to the City for the disposal of solid waste for every the~~ first household container (once per-week pickup). ~~\$7.50 for the second and subsequent containers shall be paid to the City for the disposal of solid waste.~~
- (2) Commercial.
- (a) **A fee as specified in Title 22 – Comprehensive Fees and Penalties shall be charged for every Rollout and Dumpster.** ~~\$20 per month per container, for one (1) time per week service. Any additional service will be \$20 per haul.~~
  - (b) ~~Dumpsters. One (1) time per week – \$75 per month (minimum charge per container); two (2) times per week – \$150.00 per month; three (3) times per week – \$225.00 per month; four (4) times per week – \$300.00 per month; five (5) times per week – \$375.00 per month. For any extra unscheduled dump there shall be a fee of \$75.00 per container, per request, if non-containerized, \$100 per vehicle, per request, in addition to any other fees that may be required by law.~~

(b) ~~(e)~~ Special Event. To be determined by the Solid Waste Director, depending on size, duration and nature of event.”

(c) ~~(d)~~ Commercial Cardboard Recycling Service. **A fee as specified in Title 22 – Comprehensive Fees and Penalties shall be charged for Commercial Cardboard Recycling Service.** ~~One time per week: \$50/month. Two times per week: \$100/month.~~

**SECTION V.** BE IT FINALLY ORDAINED BY THE BOARD OF MAYOR AND ALDERMEN OF THE CITY OF FRANKLIN, Tennessee, that this ordinance shall take effect from and after its passage on second and final reading the health, safety and welfare of the citizens of Franklin, Tennessee requiring it.

**ATTEST:**

**CITY OF FRANKLIN, TENNESSEE:**

By: \_\_\_\_\_  
**ERIC S. STUCKEY**  
City Administrator/Recorder

By: \_\_\_\_\_  
**JOHN C. SCHROER**  
Mayor

**PASSED FIRST READING**

\_\_\_\_\_

**PASSED SECOND READING**

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