

City of Ann Arbor Commercial Recycling Implementation Package

DRAFT ORDINANCE AMENDMENTS

The following identifies major objectives for the draft commercial solid waste and recycling ordinance, as well as the rules/regulations required for implementing the recommended commercial recycling programs. A draft of the ordinance and regulation language is provided as part of the Commercial Recycling Recommendations. This draft will be updated during implementation prior to adoption by City Council. The ordinance language and any accompanying rules and regulations would become part of the City Code, Chapter 26, Solid Waste Management.

Ordinance and regulation parameters will:

- Provide clear definitions of key terms, as part of Section 2.1 (Definitions) and regulations R2.1, especially for each group covered (e.g. commercial building owner, commercial building manager, commercial building occupant, franchised hauler, franchised, licensed hauler, etc.).
- Clearly specify in Section 2.2 (Collection Frequency and Fees) and in the regulations the 1) details of licensing haulers and franchising an exclusive solid waste hauler; 2) the recycling and waste collection services to be provided by the city through the City's solid waste enterprise fund; 3) the waste collection services that would be provided by the City or its contracted, franchised or licensed service providers for a fee; and 4) how the fees are set (e.g. through request for proposal process, franchised vendor fee schedules and rate formulas).
- Provide details as needed in Section 2.3 (Point of Collection) and in the regulations on specifics of placement of recyclables, organics and refuse at the time of collection, who is responsible for that placement and who is authorized to collect (e.g. city and contracted, franchised or licensed hauler only unless provided for elsewhere through exemption).
- Provide details as needed in Section 2.4 (Points of Storage), 2.5 (Containers), and in the regulations on the specifics of container type, when the city will provide containers, maintenance and repair of containers, and how materials should be prepared for and placed in containers.
- Provide details as needed in Section 2.4 (Points of Storage), 2.5 (Containers), and in the regulations on the specifics of location of containers, screening requirements, and requirements for new buildings.
- Provide details as needed in Section 2.7 (Facilities) and in the regulations on designated facilities that will receive collected materials (e.g. MRF, transfer station or franchised processor for construction waste) and the requirements and fees (if applicable) for receiving material at those facilities.
- Clearly specify in Section 2.10 (Variances) and in the regulations (R2.11) on exemptions and variances that are provided for in the recommended program (e.g. those needing confidential document destruction services are not required to place that material in the city recycling bins). Also specify what responsibilities those receiving exemptions still have to meet the intent of the recommended program (still demonstrate that recycling plan is being implemented).
- Provide details as needed in Section 2.13 (Enforcement) and in the regulations on the role that technical assistance and non-penalty notices of violation will play in a "progressive enforcement" approach to assuring behavior consistent with the ordinance and the mechanisms that will be used to determine, then respond to chronic violations of the ordinance over time.
- In addition to changes to Chapter 26 and the regulations, additional changes to the Chapter 57: Subdivision and Land Use Control Section 5:122 Site Plans should be clarified regarding the

requirements for the siting or change of location of solid waste and recycling container storage areas to accommodate the requirements for recycling and waste collection under the proposed changes to Chapter 26 to eliminate or mitigate the administrative costs associated with minor modifications of storage areas. The development of an expedited administration review process for the approval of minor changes to site plans for modification of solid waste and recycling container storage areas should be clarified. Changes to Chapter 62: Landscape and Screening, Section 5:603 Conflicting Land Use Buffers should also be reviewed.