

ORDINANCE NO. ORD-23-21

First Reading: June 20, 2023
Public Hearing: July 6, 2023

Approved: July 6, 2023
Published: July 13, 2023
Effective: July 23, 2023

CHAPTER 26
(SOLID WASTE MANAGEMENT)

AN ORDINANCE TO AMEND SECTION 2:1 AND ADD SECTION 2:13 TO CHAPTER 26 (SOLID WASTE MANAGEMENT) OF TITLE II (UTILITIES AND SERVICES) OF THE CODE OF THE CITY OF ANN ARBOR

The City of Ann Arbor Ordains:

Section 1. That Section 2:1 of Chapter 26 (Solid Waste Management) of Title II of the Code of the City of Ann Arbor be amended to add a definition for Household Item as follows, and that the subsequent definitions in Section 2:1 be renumbered accordingly:

2:1. Definitions.

- (1) *Building material* means wood with nails, other wood scrap, pane glass, dry-wall pieces or debris, plaster, carpeting, eaves throughs and shingles, structural demolition material, and other items as defined by the solid waste regulations.
- (2) *Bulk items* means appliances, furniture and other large household items as defined by solid waste regulations, and containers or items which exceed the capacity or weight limits for curbside pickup as defined by the solid waste regulations.
- (3) *City provided recycling service* means any commercial, industrial, and institutional building located within the city.
- (4) *Commercial location* means any commercial, industrial, and institutional building located within the city.
- (5) *Commercial location owner* means the owner, as listed in city records, of a commercial location.
- (6) *Commercial location manager* means a person representing a commercial location owner for a particular commercial location.
- (7) *Commercial location occupant* means a person or organization occupying some or all of a commercial location.
- (8) *Commercial recyclables* means recyclables from commercial locations and all other activities and land use other than residential occupancy.
- (9) *Commercial waste* means the solid waste from commercial locations and all other activities and land use other than residential occupancy.

- (10) *Compostables* means leaves, brush, tree limbs up to 6 inches in diameter and 4 feet in length, vegetative prunings, and other garden or yard waste, and other organic material as may be specified in solid waste regulations. Compostables suitable for home composting are specified in the solid waste regulations and city-provided fact sheets.
- (11) *Construction and demolition waste* means waste building material, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures.
- (12) *Curbside cart* means a lightweight plastic container that the city requires to be used and has provided to residential and commercial locations. A curbside cart ranges in size from 30 to 96 gallons, is equipped with wheels to allow it to be easily rolled to the curb, is used for collection of refuse, recyclables or compostables, and is able to be mechanically lifted and emptied into a collection truck.
- (13) *DDA* means the Downtown Development Authority as defined in Chapter 7 of the City Code.
- (14) *Dumpster* means a metal or plastic container in sizes that range from 1 cubic yard to 12 cubic yards, equipped with fixtures that allow the container to be dumped by a refuse or recycling truck.
- (15) *Franchisee or franchised hauler* means contractual arrangements the city has made by having the city and an exclusive provider selected by the city perform collection services that are structured to support the city's solid waste goals as required to protect the public health, safety and welfare, as provided for in the solid waste regulations.
- (16) *Garbage* means all putrescible food wastes such as animal, fish, fowl, fruit or vegetable matter incident to the use, preparation and storage of food for human consumption. It also includes paper or containers containing these wastes except as excluded by solid waste regulations. It does not include prohibited materials specified in section 2:5 or in the solid waste regulations.
- (17) *Hazardous material* means hazardous waste, medical waste, radioactive material, explosives and other material listed in Michigan Public Act 641 or in the solid waste regulations.
- (18) *Hazardous waste* means solvents, pesticides, flammables, oil paints, and other substances listed in Michigan Public Act 641, or Public Act 64 or in the solid waste regulations.
- (19) *Household item* means an item in good condition and suitable for reuse, including appliances, artwork, bicycles, books, clothing, computer equipment, consumer electronics, dishes, garden tools, grills, kitchen gadgets, sports equipment, strollers, tools, yard equipment, and similar items commonly used in residential settings. It does not include used freezers, mattresses, refrigerators, upholstered furniture, and water heaters. It does not include cleaning agents, gasoline, paint, and other toxic or hazardous materials. It does not include Commercial waste, Construction and demolition waste, Garbage, Hazardous material, Hazardous waste, Household

waste, Prohibited materials, Refuse, Rubbish, or Solid waste, as are defined in Section 2:1 of this Chapter.

- (1920) *Household waste* means the solid waste discarded at residential dwellings, including single- and multi-family units.
- (201) *Prohibited materials* means all items which may damage equipment or pose a safety threat to collectors or the environment, all items listed in section 2:6 or items defined as prohibited in the solid waste regulations. These materials will not be collected by the city.
- (212) *Recyclables* means all containers, paper, cardboard, and other materials specifically designated as recyclable by the solid waste regulations.
- (223) *Recycling compliance plan and recycling compliance report* means an annual plan and status report, required to be filed with the city by a commercial location owner and/or commercial location manager that has applied for and received an exemption, as provided in section 2:9, documenting the continued provision of recycling collection containers and collection services and occupant training and incentives required for separation of recyclable materials from refuse as required by this chapter, with timing, format and submittal procedures established by regulation.
- (234) *Refuse* means all rubbish and garbage which is not deemed recyclable, compostable, or otherwise recoverable as defined in this chapter or by the solid waste regulations. It does not include hazardous material or other prohibited materials.
- (245) *Rubbish* means miscellaneous nonputrescible waste material resulting from housekeeping and ordinary mercantile enterprises, including paper, cardboard, metal containers, crockery, plastic, rubber, building materials, and bulk items. It does not include hazardous waste or other prohibited materials.
- (256) *Solid waste* means refuse, rubbish, recyclables, and compostables discarded by residents and commercial locations, and which qualifies for removal by the city. It does not include Hazardous material or other prohibited materials. Solid waste includes construction and demolition waste only in quantities able to be disposed of in containers provided for removal by the city.
- (267) *Solid waste containers* means any containers approved by the solid waste regulations for deposit of solid waste, including containers for refuse, recyclables or compostables.
- (278) *Surplus refuse* means refuse that exceeds the capacity of or otherwise does not fit in a curbside cart.

Section 2. That Section 2:13 of Chapter 26 (Solid Waste Management) of Title II of the Code of the City of Ann Arbor be added as follows:

2:13 – Donation and Reuse of Household Items.

- (1) Household Items in good condition intended for donation or reuse by others may be placed near the curb subject to the following conditions:
 - a. Household Items may be placed near the curb once per week for no more than 48 continuous hours. For example, a Household Item placed near the curb at 9 a.m. on Saturday must be removed by Monday at 9 a.m. and then may not be placed near the curb again until the next Saturday at 9 a.m. A person may only place Household Items in the public right-of-way in front of property owned or occupied by that person. Household Items may not be placed on a roadway, sidewalk, or other path of travel.
 - b. When not eligible to be placed near the curb, Household Items must be stored inside on private property or otherwise in compliance with City Code.
 - c. Household Items may not create a vision or physical obstruction for pedestrians, vehicle operators, or bicyclists. For the safety of pedestrians, including individuals using wheelchairs, Household Items may not exceed 3 feet in height within 10 feet of a crosswalk or the intersection of a sidewalk or road.
 - d. Household Items must be located or arranged so that they will not roll, slide, fall, blow over, or otherwise move so as to endanger or obstruct vehicles, pedestrians or bicyclists.
 - e. Household Items must be clearly labeled that they are intended for donation or reuse. Such labels must not exceed 2 feet in area and must be affixed to a Household Item.
 - f. The City may immediately remove and dispose of any Household Item in the public right-of-way without notice to any Person if the City deems it to interfere with the use or maintenance of the right-of-way, a safety hazard, or not in compliance with this Code.
- (2) Residents and property owners whose occupants have placed a Household Item near the curb for donation or reuse consent to their driveways being temporarily used by those interested in viewing or taking a Household Item left for donation or reuse.
- (3) A Person may only take a Household Item labeled for donation or reuse. While examining, taking, or preparing to take a Household Item, a Person must obey all traffic laws and may not block a bicycle lane or park illegally.
- (4) A Person who places a Household Item near the curb for donation or reuse is responsible for, and must hold the City harmless from, all injuries and damages to others caused by and arising from that Household Item and waives all claims against the City for damage to or loss of that Household Item.
- (5) A Household Item left outside for more than 48 hours or otherwise in violation of this chapter shall be deemed to be Solid Waste and subject to the provisions of Section 2:12 of this Chapter.

Section 3. That Section 2:13 of Chapter 26 (Solid Waste Management) of Title II of the Code of the City of Ann Arbor, be amended and renumbered as Section 2:14 as follows:

2:134. Penalties.

- (1) The primary authority and responsibility for the enforcement of the provisions of this chapter shall be vested in the Administrator or his/her designee(s). Upon a determination that a person is in violation of this chapter, the city shall give notice or issue a citation that indicates the person is in violation of a section in this chapter.
- (2) Upon a finding that a section of this chapter has been violated, the violator shall be subject to 1 or more of the penalties provided in this section. The following classifications, when used in this chapter, shall determine the penalty for any violation of any provision of this chapter.
- (3) Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$1,000.00, plus costs and all other remedies available by statute. Violation of this chapter shall be punishable by a civil fine of \$200.00 for the first offense, \$400.00 for the second offense, and \$1,000.00 for each additional or subsequent offense within a 5-year time period, plus costs and all other remedies available by statute. Each day of violation shall be a separate violation except in a case when the maximum fine is levied. If the penalty is not paid within 45 days, it may be assessed against the parcel under section 1:292 of this Code.
- (4) The City Administrator shall establish procedures, incorporated into the regulations for this chapter, establishing progressive enforcement programs applicable to specific sections of this chapter, designed to assure compliance over a specified time period with the provisions of this section. Enforcement actions in each progressive enforcement program may include designated time periods for technical assistance and dispute resolution prior to violation notices consistent with subsection 2:1 [43](#)(3) of this chapter.

Section 4. This ordinance shall take effect 10 days after publication.

CERTIFICATION

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of July 6, 2023.

(Date)

Jacqueline Beaudry, Ann Arbor City Clerk

Christopher Taylor, Mayor of the City of Ann Arbor

I hereby certify that the foregoing ordinance received legal publication on the City Clerk's webpage on July 13, 2023.

Jacqueline Beaudry, Ann Arbor City Clerk