

Chapter 26 SOLID WASTE MANAGEMENT¹

2:1. Definitions.

- (1) *Building material* means wood with nails, other wood scrap, pane glass, dry-wall pieces or debris, plaster, carpeting, eaves troughs 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 which exceed the capacity or weight limits for curbside pickup as defined by the solid waste regulations.
- (3) *Commercial customer* means a location that receives solid waste collection services and is primarily used for either institutional purposes, including educational and non-profit, or commercial purposes, including selling goods or providing services for money. Commercial customer includes mixed-use (commercial and residential) locations.
- (4) *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 the solid waste regulations. Compostables suitable for composting are specified in the solid waste regulations and city-provided fact sheets.
- (5) *Compost compliance plan* and *compost compliance report* means an annual plan and status report required to be filed with the city by a customer that has applied for and received an exemption, as provided in section 2:7, documenting the continued provision of compost collection containers and collection services and occupant training. The timing, format and submittal procedures are established by the solid waste regulations.
- (6) *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.
- (7) *Curb cart* means a lightweight plastic container that the city or its contracted solid waste haulers require to be used and have provided to residential customers and commercial customers. A curb cart is equipped with wheels to allow it to be easily rolled to the point of collection, is used for collection of refuse, recyclables or compostables, and is able to be mechanically lifted and emptied into a collection truck.

¹Editor's note(s)—Ord. No. 25-35, § 1, adopted January 5, 2026, repealed the former Ch. 26, §§ 2:1—2:14, and enacted a new Ch. 26 as set out herein. The former Ch. 26 pertained to similar subject matter and derived from Ord. No. 4-84, adopted April 16, 1984; Ord. No. 27-87, §§ 1, 2, adopted April 9, 1987; Ord. No. 20-89, §§ 1—5, adopted Sept. 5, 1989; Ord. No. 66-90, §§ 1—7, adopted Nov. 19, 1990; Ord. No. 3-96, § 1, adopted March 18, 1996; Ord. No. 15-02, § 2, adopted April 15, 2002; Ord. No. 41-02, §§ 1—4, adopted Nov. 7, 2002; Ord. No. 27-03, §§ 1—3, adopted July 7, 2003; Ord. No. 21-4, §§ 1—3, 5, adopted July 19, 2004; Ord. No. 25-04, § 2, adopted Aug. 2, 2004; Ord. No. 30-05, § 1, adopted Aug. 15, 2005; Ord. No. 32-05, §§ 1—11, adopted Oct. 4, 2005; Ord. No. 08-03, §§ 1—3, adopted Feb. 4, 2008; Ord. No. 08-21, § 1, adopted July 7, 2008; Ord. No. 09-03, § 1, adopted March 2, 2009; Ord. No. 10-16, § 1, adopted June 21, 2010; Ord. No. 10-26, §§ 1, 2, adopted July 19, 2010; Ord. No. 18-09, § 5, adopted July 16, 2018; Ord. No. 23-07, §§ 1—4, adopted March 20, 2023; Ord. No. 23-21, §§ 1—3, adopted July 6, 2023; Ord. No. 24-30, § 1, adopted Dec. 2, 2024. See Code Comparative Table for full derivation.

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- (8) *Curb cart customer* means a commercial customer or a residential customer that receives all or a portion of its solid waste collection services from individually assigned and/or shared curb carts.
 - (9) *Customer* means a commercial customer, curb cart customer, dumpster customer, or residential customer.
 - (10) *Dumpster* means a metal or plastic container that is able to be mechanically lifted and emptied into a collection truck.
 - (11) *Dumpster customer* means a commercial customer or residential customer that receives all or a portion of its solid waste collection services from individually assigned and/or shared dumpsters.
 - (12) *Franchise hauler* means the city's exclusive and contracted providers performing collection services to support the city's solid waste goals to protect the public health, safety and welfare, as provided for in this chapter and the solid waste regulations.
 - (13) *Garbage* means all putrescible food wastes such as animal, fish, fowl, fruit or vegetable matter or grease 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 the solid waste regulations. It does not include prohibited materials specified in section 2:4 or in the solid waste regulations.
 - (14) *Grease* means fats, oils, and greases (FOG) and includes animal fats, vegetable fats, and oils used to cook and prepare food.
 - (15) *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.
 - (16) *Hazardous waste* means solvents, pesticides, flammables, oil paints, and other substances listed in Michigan Public Act 641, Public Act 64, or in the solid waste regulations.
 - (17) *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, water heaters, upholstered furniture, and water heaters. It does not include cleaning agents, gasoline, paint, and other toxic or hazardous materials. It does not include 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.
 - (18) *Household waste* means the solid waste discarded by residential customers, including single- and multi-family units.
 - (19) *Prohibited materials* means all items which may damage equipment or pose a safety threat to collectors or the environment, all items listed in section 2:4, and items defined as prohibited in the solid waste regulations. These materials will not be collected by the city.
 - (20) *Recyclables* means all containers, paper, cardboard, and other materials specifically designated as recyclable by the solid waste regulations.
 - (21) *Recycling compliance plan* and *recycling compliance report* means an annual plan and status report required to be filed with the city by a commercial customer that has applied for and received an exemption, as provided in section 2:7, documenting the continued provision of recycling collection containers and collection services and occupant training and incentives required for separation of recyclables from refuse as required by this chapter. The timing, format and submittal procedures are established by the solid waste regulations.
 - (22) *Refuse* means all rubbish and garbage which is not deemed recyclables, compostables, or otherwise recoverable as defined in this chapter or by the solid waste regulations. It does not include hazardous material or other prohibited materials.

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- (23) *Rubbish* means miscellaneous non-putrescible waste material resulting from housekeeping and ordinary mercantile enterprises. It does not include hazardous waste or other prohibited materials.
 - (24) *Solid waste* means refuse, recyclables, and compostables discarded by commercial customers and residential customers, 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 solid waste containers.
 - (25) *Solid waste containers* means containers permitted by the solid waste regulations, including curb carts and dumpsters for deposit of solid waste, including containers for refuse, recyclables or compostables.
 - (26) *Solid waste hauler* means any person or entity who engages in the business of collection, transportation, or disposal of solid waste from any customer within the city and across public streets or rights-of-way. It does not include valet solid waste removal and transport from customers located within a single property or development to a container located within that same property or development. It also does not include the occasional removal and transport of solid waste by a residential customer to a solid waste facility as permitted in section 2:5.

(Ord. No. 25-35, § 1, 1-5-26)

2:2. City collection of solid waste.

- (1) *City collection.*
 - a. Except as otherwise provided in this chapter, the city, its contracted solid waste haulers, or its franchise haulers shall collect solid waste generated by customers within the city.
 - b. No person or entity shall act as a solid waste hauler as defined in subsection 2:2(26) in the city without having first secured either a contract for services with the city or an exclusive franchise agreement as set forth in section 2:3, except that a person or entity may act as a solid waste hauler of only grease if issued a permit by the city.
 - c. All solid waste haulers providing service to customers in the downtown district area shall collect materials by 11:00 a.m., unless an Act of God or other factors beyond the solid waste hauler's control prevent timely collection. Solid waste not collected by 11:00 a.m. must still be collected. Late collection and a failure to provide collection are separate violations of this section. Solid waste hauler refers to the company providing the service and not the individual driver.
 - d. All solid waste haulers must meet the State of Michigan EGLE Air and Waste Materials Management Regulations.
- (2) *Collection frequency.* Unless prevented by weather conditions, labor disputes, or other circumstances beyond its control, the city, its contracted solid waste haulers, and its franchise haulers shall collect solid waste as follows:
 - a. *Residential customers.* Refuse shall be collected at least once a week. The city may set different collection intervals for compostables and recyclables in the solid waste regulations.
 - b. *Commercial customers.* Refuse shall be collected at least once a week except when a different collection interval is permitted by the Public Services Area Administrator. The city may set different collection intervals for compostables and recyclables in the solid waste regulations.
- (3) *Collection fees.*
 - a. Collection fees for solid waste shall be set by City Council resolution and, except as otherwise permitted by section 2:3, shall be charged by the city. If the fees are not paid by a customer, the fees

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- may be assessed against the customer's property pursuant to section 1:292 of Chapter 13 of the City Code.
- b. The city may charge collection fees for refuse from customers with a weekly capacity greater than 64 gallons or as pro-rated by the city for residential cart customers.
- (4) *Solid waste containers.*
- a. The city, its contracted solid waste haulers, or its franchise haulers will provide solid waste containers, subject to applicable fees as set by City Council, as follows:
 - i. *Curb cart customers.* The city, its contracted solid waste haulers, or its franchise haulers will provide compost, recycling, and refuse curb carts for commercial customers and residential customers.
 - ii. *Dumpster customers.* The city will provide recycling dumpsters to commercial customers and residential customers. The city's franchised hauler(s) will provide refuse dumpsters for commercial customers, in accordance with the applicable franchise agreement. Residential customers must procure their own refuse dumpster.
 - b. Customers must use solid waste containers as follows:
 - i. *Refuse containers.* Customers must use city-provided, contracted solid waste hauler-provided, or franchise hauler-provided curb carts or dumpsters for collection and storage of refuse in accordance with the solid waste regulations, except that residential customers must use refuse dumpsters that they have procured on their own that meet the requirements for city collection.
 - ii. *Recyclables containers.* Recyclables shall be separated from compostables and refuse, and shall be stored in approved solid waste containers in accordance with the solid waste regulations.
 - iii. *Compostables containers.* Compostables shall be separated from recyclables and refuse, and shall be stored in approved solid waste containers when compostables containers are present in accordance with the solid waste regulations.
 - iv. *Dumpsters.* All dumpsters must comply with the solid waste regulations. Dumpster placement requirements are provided in the solid waste regulations.
- (5) *Points of collection.*
- a. Compostables, recyclables, and refuse shall be placed for collection at the locations specified and during the collection times set forth in the solid waste regulations.
 - b. Curb carts shall not be placed in a bicycle lane or bicycle path, as defined in Chapter 126, section 10:146. For locations with bicycle lanes or bicycle paths, curb carts shall be placed in accordance with the solid waste regulations.
 - c. Dumpster collection shall take place at the point of collection set forth in the solid waste regulations.
 - d. The city, its contracted solid waste haulers, or its franchise haulers will refuse to collect compostables, recyclables, or refuse when they are not placed at the points of collection in compliance with the solid waste regulations.
- (6) *Points of storage.*
- a. Commercial customers and residential customers must store all solid waste in approved solid waste containers.
 - b. Solid waste containers, including curb carts and dumpsters, must be stored in the locations set forth in the solid waste regulations.

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- c. Commercial customers must be equipped with sufficient capacity solid waste containers to contain the solid waste generated by the customer until time of collection.
 - d. The city shall provide for an administrative approval process for the location of solid waste containers for customers, including all required physical improvements necessary for those solid waste containers (e.g., concrete pads, screening).
- (7) *Requirements for landlords of commercial customers and residential customers.*
- a. Landlords of commercial customers and residential customers must provide sufficient solid waste containers to enable their location(s) to meet the requirements of subsections 2:2(4), (5), and (6).
 - b. Landlords of commercial customers and residential customers shall include compliance with the requirements of subsections 2:2(4), (5), and (6) in all lease agreements with tenants and contracts for custodial services at their location(s).
 - c. Landlords of commercial customers and residential customers must provide new tenants with educational materials regarding the requirements of subsections 2:2(4), (5), and (6) and show tenants where solid waste containers are located at their location(s).
 - d. Landlords of commercial customers and residential customers shall communicate the requirements of subsections 2:2(4), (5), and (6) to tenants at their location(s) at least annually and cooperate with the city to facilitate additional or city-sponsored communications regarding the requirements of subsections 2:2(4), (5), and (6).

(Ord. No. 25-35, § 1, 1-5-26)

2:3 City franchise solid waste haulers.

- (1) *Provision of franchise hauler.* The city may grant a franchise through a contract with 1 or more exclusive franchise haulers to collect and dispose of solid waste for customers. Nothing in this chapter shall be construed as a surrender by the city of its legal authority as the sole and exclusive hauler of all solid waste generated by customers in the city.
- (2) *Franchise agreement required.*
 - a. If the city provides for a franchise hauler for any solid waste collection service, a franchise agreement between the city and the franchise hauler is required and the provision of those solid waste collection services to any customer without a franchise agreement is a violation of this chapter.
 - b. The agreement with a franchise hauler may provide that the franchise hauler will directly charge and bill each customer for collection services and that the franchise hauler shall be responsible for all collections of its charges under the contract. Notwithstanding the foregoing, the city retains the right to assess unpaid charges against the property pursuant to section 1:292 of Chapter 13.
- (3) *Exclusivity.* If the city contracts with a franchise hauler for a collection service:
 - a. All customers shall be serviced by the applicable exclusive franchise haulers for the solid waste collection services, unless serviced directly by the city.
 - b. No customer shall enter into a contract for solid waste collection services with a person or entity other than the applicable franchise hauler.
 - c. Franchise haulers shall provide collection services in the manner specified in this chapter and in the solid waste regulations.
- (4) *Franchise fees.* Franchise fees shall be set by City Council resolution. Each franchise hauler shall pay the applicable franchise fee(s) at the time a franchise agreement is executed.

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- (5) *Recycling monitoring and compliance requirements.* Franchise haulers must report to the city when it is found that a solid waste container for a commercial customer is more than 50% by volume full of recyclable materials. If the franchise hauler finds that a commercial customer is not capturing their recycling as provided or elsewhere in this chapter, the franchise hauler agrees to work with the city and the commercial customer to assure the commercial customer's compliance with recycling requirements of this chapter.
- (6) *Revocation of franchise.*
- a. *Authority of City Administrator.* The City Administrator may temporarily revoke the franchise of any franchise hauler whose practices present an immediate threat to the health, safety, and well-being of the public. The City Administrator may permanently revoke the franchise for violation of any of the provisions of this chapter upon notice and after a hearing as provided for in this section.
 - b. *Grounds.* The City Administrator may revoke a franchise if the City Administrator finds:
 - i. The franchise hauler has not complied with applicable codes, ordinances, statutes, laws, policies or rules and regulations.
 - ii. The franchise hauler has made fraudulent, false or misrepresentative statements in the application for the franchise.
 - iii. The franchise hauler owes the city required fees or outstanding fines or penalties.
 - c. *Contents and service of notices.*
 - i. *Contents.* The City Administrator or their designee must provide a notice of intent to revoke a franchise to the franchise hauler in writing, setting forth the reasons for the revocation of the franchise. The notice shall inform the franchise hauler that it has the right to request a hearing before the City Administrator.
 - ii. *Service.* All notices shall be sent by certified mail, return receipt requested, to the franchise hauler's point of contact specified in the franchise agreement. Notice shall be considered given on the date such notice is mailed. If, within 10 days of receipt of the notice, the franchise hauler does not request a hearing in writing, the franchise shall be revoked.
 - iii. *Hearings.* A franchise shall not be revoked unless the franchise hauler has had an opportunity to present evidence on its behalf at a hearing. The City Administrator or their designee shall, within 5 business days of the hearing, issue a written decision to the franchise hauler.

(Ord. No. 25-35, § 1, 1-5-26)

2:4. Prohibited materials.

The City, its contracted solid waste haulers, or its franchise haulers will not collect any of the following prohibited materials:

- (1) Bulk items that do not fit inside curb carts, such as furniture, mattresses, appliances and oversized or overweight building materials. Customers must make their own arrangements with the private sector for the proper removal and disposal of bulk items.
- (2) Liquid waste.
- (3) Hot ashes or other heated materials.
- (4) Dead animals, animal waste or human waste except in the manner required by the solid waste regulations.
- (5) Explosives, dangerous chemicals and other hazardous material.

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- (6) Commercial medical waste as defined by the Michigan Public Health Code.
 - (7) Other material that may damage equipment, pose a safety threat to collectors or the environment or are regulated by the state or federal government or as determined by the City Administrator through the solid waste regulations.

(Ord. No. 25-35, § 1, 1-5-26)

2:5. Solid waste facilities.

All nonhazardous solid waste, including refuse, recyclables and compostables, collected by the city and/or its solid waste haulers or franchise haulers contractors shall be taken to the city's designated solid waste processing facilities currently located within the W. R. Wheeler Service Center, including the material recovery facility, waste transfer station, the drop-off station, compost center and other facilities as may be established by City Council action. Different types of solid waste may be accepted at each of these facilities as specified in the solid waste regulations and as allowed by applicable law. The rates for using these facilities shall be determined by City Council resolution. Any person may discard their nonhazardous solid waste at these facilities except that persons who have not met any applicable residency requirements or have not prepared materials in a manner determined by the solid waste regulations, or who have not paid facility charges, may be refused permission to deposit materials at the facility. Compostables and recyclables not separated according to the solid waste regulations will not be accepted for processing at the city's solid waste facilities.

(Ord. No. 25-35, § 1, 1-5-26)

2:6. Scavenging and unauthorized storage and deposit.

- (1) No person shall collect or remove and store solid waste, including recyclables, which have been prepared for city collection.
- (2) No person shall deposit solid waste in the solid waste container of another person without permission of the owner or property manager. Proof of violation of this subsection (2) must be based on evidence showing the deposit of at least 1 cubic foot of material into or removal of any material from another person's solid waste container.

(Ord. No. 25-35, § 1, 1-5-26)

2:7. Exemptions.

- (1) In cases of extreme hardship or if infeasible, the City Administrator or their designee may authorize exemptions to this chapter's requirements regarding solid waste containers, container locations, collection frequency, and points of collection.
- (2) *Request for exemption from city-provided compost services.*
 - a. If the city provides a compost service, any customer may request that they be exempted from use of the city provided compost service. The request shall be submitted to the City Administrator or designee, and specify the circumstances that necessitate such exemption status, which may include but are not limited to a specialized service that cannot be provided by the city service.
 - b. The request for exemption shall be submitted with a compost compliance plan and compost compliance report for the customer.

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- c. A customer granted an exemption under this section must maintain compliance with all other provisions of this chapter or said exemption shall be administratively revoked.
 - d. The request for exemption must be submitted annually to document the continuation into the next 12-month period (beginning July 1) of the conditions under which the exemption was granted. Said exemption is effectively terminated if and when the conditions cited as the reason for exemptions status ceases to exist. It shall be the responsibility of the customer to inform the city of this change in status within 30 days of occurrence.
 - e. Regardless of an exemption being granted, such customers must comply in full with all requirements of this chapter and solid waste regulations.

(3) *Request for exemption from city-provided recycling services.*

- a. Any commercial customer may request that they be exempted from use of the city provided recycling service. The request shall be submitted to the City Administrator or designee, and specify the circumstances that necessitate such exemption status, which may include but are not limited to a specialized service that cannot be provided by the city service.
- b. The request for exemption shall be submitted with a recycling compliance plan and recycling compliance report for the commercial customer.
- c. A commercial customer granted an exemption under this section must maintain compliance with all other provisions of this chapter or said exemption shall be administratively revoked.
- d. The request for exemption must be submitted annually to document the continuation into the next 12-month period (beginning July 1) of the conditions under which the exemption was granted. Said exemption is effectively terminated if and when the conditions cited as the reason for exemptions status cease to exist. It shall be the responsibility of the customer to inform the city of this change in status within 30 days of occurrence.
- e. Regardless of an exemption being granted, such commercial customers must comply in full with all requirements of this chapter and solid waste regulations including requirements for separation of recyclables from refuse in separate solid waste containers.

(Ord. No. 25-35, § 1, 1-5-26)

2:8. Solid waste regulations.

The Administrator may adopt solid waste regulations implementing this chapter, including regulations on the design, location, maintenance and access to solid waste containers, handling of prohibited materials and the proper separation of and preparation of compostables, recyclables, and refuse, and special pickups. The regulations shall take effect 30 days after being filed with the City Clerk unless modified or disapproved by the City Council.

(Ord. No. 25-35, § 1, 1-5-26)

2:9. City removal of improperly stored materials; enforcement.

- (1) The city may remove and dispose of solid waste containers that are placed in violation of the solid waste regulations.
- (2) The city may remove and dispose of solid waste or other material left at the curb or improperly stored elsewhere outdoors in violation of the solid waste regulations.

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- a. If the city opts to remove and dispose of solid waste under subsection 2:9(2), then at least 24 hours prior to removing the materials, the city shall serve a notice of violation on the property owner or tenant by mailing it to the property owner or tenant (as shown on assessment records), delivery to the owner or tenant, or posting the notice at a conspicuous place on the property.
 - b. No notice shall be required if a public health hazard necessitates immediate removal of materials.
- (3) All costs (including labor, equipment, materials disposal and overhead) of work performed by the city under this section 2:9 shall be charged to the owner of the involved property. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of this Code.

(Ord. No. 25-35, § 1, 1-5-26)

2:10. Illegal storage of solid waste.

- (1) No person shall store solid waste or solid waste containers on property except at locations as permitted by this chapter or the solid waste regulations. No person shall permit solid waste or solid waste containers to remain on or in the right-of-way adjacent to the property in violation of this section.
- (2) No person shall fail to comply with the requirements of a notice of violation issued under this chapter, which was mailed or delivered to the person or posted on the property.
- (3) For purposes of this section, "person" shall mean any legal person, and shall include but not be limited to, a property owner, landlord, tenant, occupant, guest, lessee, and an agent of the foregoing entities. Each person is individually and separately liable and each person may be found responsible for the same conditions on the property that violate this section.
- (4) For purposes of this section, "agent" shall mean any person with real or apparent authority to act on behalf of another person, and shall include but is not limited to a person who manages or operates the property for the owner, receives notices or process for the owner, acts in any other way as the representative of the owner, or is designated as an agent or representative in the registry of owners and premises kept by the city pursuant to Chapter 105 (Housing Code) of the Ann Arbor Code of Ordinances.
- (5) No property owner, landlord, or agent who incurs fines and costs for a violation of this section shall require tenant(s) or occupant(s) to pay fines and costs for or reimburse the owner, landlord, or agent for payment of fines and costs, except in keeping with the following requirements:
 - a. For a first violation within the period of time that the tenant(s) or occupant(s) reside(s) on the property, the owner, landlord, or agent shall not require the tenant(s) or occupant(s) to pay more than \$200.00.
 - b. For a second violation within the period of time that the tenant(s) or occupant(s) reside(s) on the property, the owner, landlord, or agent shall not require the tenant(s) or occupant(s) to pay more than \$400.00.
 - c. For each additional or subsequent offense within the period of time that the tenant(s) or occupant(s) reside(s) on the property, the owner, landlord, or agent shall not require the tenant(s) or occupant(s) to pay more than \$1,000.00.
- (6) A property owner, landlord, or agent who requires the tenant or occupant to pay for or reimburse the owner, landlord or agent for fines and costs incurred by the owner, landlord or agent, at the time of entering into a written lease agreement, shall provide to each tenant a copy of this entire section 2:10 separate from the written lease agreement, until such time that this chapter is incorporated into the "Rights and Duties of Tenants" booklet. If there is no written lease, then the property owner, landlord, or agent shall provide a

copy of this entire section, upon which is written the term of the current unwritten lease, to each tenant, until such time that this chapter is incorporated into the "Rights and Duties of Tenants" booklet.

(Ord. No. 25-35, § 1, 1-5-26)

2:11. 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 9:00 a.m. on Saturday must be removed by Monday at 9:00 a.m. and then may not be placed near the curb again until the next Saturday at 9:00 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 square 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.
- (6) All costs (including labor, equipment, materials disposal and overhead) of work performed by the city under this section shall be charged to the owner of the involved property. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of this Code.

(Ord. No. 25-35, § 1, 1-5-26)

2:12. Penalties.

- (1) The authority and responsibility for the enforcement of the provisions of this chapter and the solid waste regulations shall be vested in the Administrator or their 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 or the solid waste regulations have 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, including the solid waste regulations which are incorporated by reference, 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, including the solid waste regulations, 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 solid waste 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 this chapter.

(Ord. No. 25-35, § 1, 1-5-26)