

ANN ARBOR CITY APPROVAL NOTICE

ORDINANCE NO. ORD-23-07

CHAPTER 26 (SOLID WASTE)

AN ORDINANCE TO AMEND SECTIONS 2:1, 2:2, 2:5, and 2:9 OF CHAPTER 26 (SOLID WASTE) OF TITLE II 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) of Title II of the Code of the City of Ann Arbor be amended as follows:

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.

(98) Commercial waste means the Solid waste from Commercial locations and all other activities and land use other than residential occupancy.

(109) *Compostables suitable for collection by the city* means leaves, brush, tree limbs up to 6 inches in diameter and 4 feet in length, vegetative prunings, ~~Christmas trees~~ 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 Ccity-provided fact sheets.

(110) *Construction and demolition waste* means waste Bbuilding material, packaging, and rubble that results from construction, remodeling, repair, and demolition operations on houses, commercial or industrial buildings, and other structures.

(124) *Curbcart* means a lightweight plastic container that the Ccity requires to be used and has provided to residential and Ccommercial locations. A Ccurbcart ranges in size from 30 to ~~96 gallons~~ 300 gallons, is equipped with wheels to allow it to be easily rolled to the curb, is used for collection of Rrefuse, ~~or~~ Rrecyclables or ~~other designated~~ Ssolid waste compostables, and is able to be mechanically lifted and emptied into a collection truck.

(132) *DDA* means the Downtown Development Authority as defined in Chapter 7 of the City Code.

(143) *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 ~~rear loading~~ Rrefuse or recycling truck.

~~(154) *Exemption* means the granting by the City Administrator of the right to comply with this chapter through completion of alternate performance requirements provided for in section 2:9, as long as the exempted party has established and maintains the alternate performance requirements to support the Ccity's recycling and environmental solid waste Materials management? goals as required to protect the public health, safety, and welfare, as provided for in the solid waste regulations.~~

(1565) *Franchisee or franchised hauler* means contractual arrangements the Ccity has made by having the Ccity and an exclusive provider selected by the Ccity perform collection services that are structured to support the Ccity's recycling and environmental solid waste goals as required to protect the public health, safety and welfare, as provided for in the solid waste regulations.

(1676) *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.

(1787) *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.

(1898) *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.

(192019) *Household waste* means the Solid waste discarded at residential dwellings, including single- and multi-family units.

~~(210) *Licensee or Licensed hauler* means contractual arrangements the City has made with refuse haulers servicing those Commercial locations granted Exemptions under Section 2:9, to perform collection services that are structured to support the city's health, environmental, and recycling goals, solid waste goals to protect the public health, safety, and welfare, as provided for in the solid waste regulations.~~

~~(21) *National or regional refuse collection contract* means an arrangement for refuse collection services at a commercial location made by a controlling entity of the commercial location owner located outside of the city that requires that commercial location to use a refuse hauler provided by the controlling entity and thus prevents the commercial location owner from using the refuse collection services provided by the city.~~

(202) *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.

(213) *Recyclables* means all containers, paper, cardboard, and other materials specifically designated as recyclable by the solid waste regulations.

(224) *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 eCommercial 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.

(235) *Refuse* means all Rubbish and Garbage which is not deemed recyclable, or 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.

(246) *Rubbish* means miscellaneous non-putrescible 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.

(257) *Solid waste* means Refuse, Rubbish, rRecyclables, and Compostables discarded by residents and commercial locations, establishments and which qualifies for removal by the City ~~of Ann Arbor~~. 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 ~~of Ann Arbor~~.

(268) *Solid waste containers* means any containers approved by the solid waste regulations for deposit of Solid waste, including containers for Refuse, Recyclables or compostables.

(279) *Surplus refuse* means refuse that exceeds the capacity of or otherwise does not fit in a Curbcart.

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

2:2. Collection frequency, services and fees.

- (1) Except as otherwise provided in this chapter, the Ceity shall collect residential and commercial solid waste generated within the Ceity. Unless prevented by weather conditions, labor disputes or other circumstances beyond its control, the Ceity shall collect refuse from each residential location at least once a week. Different collection intervals and fees may be established by regulation for the collection of Recyclables, Compostables, and Refuse from residential and commercial locations. Fees may be charged for the collection of commercial refuse and single-family residential refuse with a weekly capacity greater than 64 gallons or as pro-rated by the Ceity for multi-family locations eligible for curbside pickups.
- (2) As suits the current best interest of the Ceity, and to better enable the Ceity to regulate and control the services provided to the users of solid waste services in order to protect the public health, safety, and welfare, the Ceity may provide for an exclusive service provider for the collection and disposal of solid waste for commercial, industrial, institutional and multifamily users through Ceity operations and/or by competitive procurement of 1 (or more) contracts with qualified franchised/licensed service providers. Nothing in this section or anywhere in this chapter shall be construed as a surrender by the Ceity of its legal authority as the sole and exclusive hauler of all solid waste generated by residential, commercial, industrial, institutional, and multifamily properties in the Ceity.

- (3) ~~Effective May 1, 2009, a~~ license and/or franchise is required as provided in this section, ~~unless an earlier compliance date is specified for an action or event.~~
- a. No person or entity shall engage in the business of collection, transportation or disposal of solid waste, from any commercial, industrial, institutional or multifamily building within the Ceity without first having secured a franchiselicense and having made payment of the franchiselicense fee as provided in this subsection 2:2(3).
- ~~b. No person or entity shall engage in the business of collection, transportation or disposal of solid waste, from any commercial, industrial, institutional or multifamily building within the city that have been granted exemptions pursuant to the circumstances outlined in subsection 2:9(2), without first having secured a license and having made payment of the license fee as provided in this subsection 2:2(3).~~
- ~~c. No person or entity shall engage in the business of collection, transportation or disposing of solid waste, from any commercial, industrial, institutional and multifamily building within the city that has not been granted an Exemption pursuant to subsection 2:9(2) without first having secured an exclusive franchise and license and made payment of the license fee as provided in this subsection 2:2(3).~~
- bd. All commercial, industrial, institutional, and multi-family buildings shall be serviced by the exclusive solid waste franchisee(s) selected by the Ceity unless serviced directly by the Ceity. No person or entity owning or occupying a commercial, industrial, institutional, or multi-family building shall enter into a contract for solid waste collection with a person or entity other than the exclusive franchisee, ~~unless said commercial location has been granted an exemption pursuant to subsection 2:9(2).~~
- ce. All franchisedlicensee haulers shall provide collection services in the manner specified in this chapter to enable the Ceity to prevent a nuisance or a threat to the Ceity's health, environmental, and recycling goals to protect the public health, safety and welfare, as provided for in the solid waste regulations. The site and containers for storage of waste materials shall meet the requirements of health, sanitation and safety established in the regulations.
- df. ~~In the event an exemption is granted to a commercial location, then the solid waste hauler servicing the building must obtain a license from the city.~~ Provision of solid waste services to any commercial location without a hauler franchiselicense is a violation of this chapter.
- ~~g. License application: Solid waste haulers seeking to obtain a license from the city shall submit to the city no later than March 31 of each year (starting March 31, 2009 or 45 days from 2nd reading, whichever comes later) an administratively complete application for a hauler license to become effective May 1st of that year and demonstrate compliance with all requirements of this section. An administratively complete application shall include, at a minimum, a notarized statement of intent to comply with all hauler licensing requirements pursuant to~~

~~this chapter and the regulations including all reporting and service feature requirements, an inventory of all vehicles and vehicle numbers expected to be used to provide services within the city, certificates of insurance showing the city as additional insured, and a list of accounts located within the City that the hauler is currently serving including service details (e.g. dumpster inventory, dumpster size, dumpster location, and dumpster service frequency, etc.) and account details (e.g. address, billing and service contacts, etc.).~~

- ~~eh.~~ **Fees.** Each ~~licensee or~~ franchisee under this chapter shall pay the applicable franchise fee(s) at the time ~~a franchise is granted of application for a license as provided for in subsection 2:2(3)g,~~ or at a different time if specified by resolution of the City Council. Applicable franchise fees ~~for licenses~~ shall be set by City Council resolution.
- ~~i.~~ ~~*General duties of franchisees and licensees.*~~ Each ~~licensee or franchisee under this chapter shall perform all services required pursuant to this chapter including reporting and service features, maintain its equipment used in the designated services in good repair and working order, perform its operations efficiently and faithfully, and shall punctually perform all obligations imposed on it pursuant to this chapter. All collection equipment used by the licensee or franchisee must have the name of the firm clearly displayed on both sides of vehicles and on the front of refuse containers. The city shall have the right to inspect all relevant equipment of the licensed hauler as needed to assure compliance with the provisions of this chapter.~~
- ~~fj.~~ **Recycling monitoring and compliance requirements of franchised/licensed haulers:** Franchised/Licensed haulers must report to the City when it is found that a refuse dumpster or cart for a commercial location is more than 50% full of recyclable materials. If the franchised/licensed hauler finds that a commercial location is not capturing their recycling as provided or elsewhere in this chapter, the licensed hauler agrees to work with the City and the commercial location to assure the commercial location's compliance with recycling requirements of this chapter. ~~The licensed hauler agrees to comply with requirements to adjust refuse dumpster and frequency of pickup downward as required to enable the commercial location to comply with the recycling requirements of this chapter.~~
- ~~k.~~ ~~*Reporting and examination of records.*~~ Each ~~licensee or franchisee under this chapter shall provide reports on a schedule and in a format determined by the City Administrator as part of the regulations and shall make and keep proper books and accounts in which complete entries shall be made of all transactions relating to the licensed or franchised services (separate and apart from all other records and accounts of the licensee or franchisee), which books and accounts shall be made available to inspection by the city. The city shall have the right to inspect all relevant records of the licensed hauler as needed to assure compliance with the provisions of this chapter.~~
- ~~gl.~~ **Additional standards and specifications.** All ~~licensees or~~ franchisees under this chapter shall meet any other standards and specifications with respect to service, fees and collection thereof, and manner of performance, as may from

time to time be required by agreement of the Ceity and such ~~licensee or~~ franchisee.

hm. *Indemnification of city; insurance.* All ~~licensees and~~ franchisees under this chapter shall indemnify, save and keep harmless the Ceity from any and all loss, cost, damage, expense or liability of any kind whatsoever which the Ceity may suffer or which may be recovered against the Ceity from or on account of the issuance of the license or franchise agreement or on account of any activity advocated or permitted by the Ceity. ~~Licensees and F~~ franchisees shall furnish the Ceity a certificate of insurance for the insurance amounts indicated in the hauler licensing agreement, as established by the City Administrator or designee, and shall obtain additional insured coverage protecting the Ceity for the required amounts of insurance, which additional insured status shall be reflected in the certificate of insurance.

(4) *Revocation of franchise ~~or license~~.*

- a. *Authority of City Administrator.* The City Administrator has the authority to temporarily revoke the ~~license or~~ franchise of any ~~licensee or~~ franchisee whose practices present an immediate threat to the health, safety, and well-being of the community or any persons therein. The City Administrator has the right of permanent revocation for violation of any of the provisions of this chapter upon notice and after a hearing as provided for in subsection 2:2(4)c(~~-,~~iii). In addition to the provisions contained in this chapter, the City Administrator shall have the authority to establish regulations for the conduct of a hearing relating to the revocation or suspension of a franchise ~~or license~~.
- b. *Grounds.* The City Administrator is hereby given the authority to revoke or suspend a franchise ~~or license~~ if the City Administrator finds:
 - i. The franchisee ~~or licensee~~ has not complied with applicable codes, ordinances, statutes, laws, policies or rules and regulations.
 - ii. The franchisee ~~or licensee~~ has made fraudulent, false or misrepresentative statements in the application for the franchise ~~or license~~.
 - iii. The franchisee ~~or licensee~~ owes the City required fees or outstanding fines or penalties.
- c. *Contents and service of notices.*
 - i. *Contents.* All notices required to be given in accordance with this section shall be in writing, setting forth the reasons for the denial or revocation of the franchise ~~or license~~. The notice shall inform the franchisee ~~or licensee~~ that the franchisee ~~or licensee~~ 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 franchisee ~~or licensee~~ specified in the franchise ~~agreement or license~~. Notice shall be considered given on the date such notice is mailed.
 - iii. *Hearings.* The City Administrator or their designee shall send notice of intent to revoke a franchise ~~or license~~. A franchise ~~or license~~ shall not be revoked

unless the franchisee ~~or licensee~~ has had an opportunity to present evidence ~~in~~ on the franchisee's ~~or licensee's~~ behalf. The City Administrator or designee shall, within 5 business days of the hearing, issue a written order of the findings. Such written order shall be sent to the franchisee ~~or licensee~~ in accordance with the notice provisions of subsection (c) of this section. If, within 10 days of the notice, the franchisee ~~or licensee~~ does not request a hearing in writing, the franchise ~~or license~~ shall be revoked.

Section 3. That Section 2:5 of Chapter 26 (Solid Waste) of Title II of the Code of the City of Ann Arbor be amended as follows:

2:5. – Solid waste containers.

- (1) No person shall deposit or remove Solid waste in the Solid waste container of another person without permission of the owner or property manager. Proof of violation of this section 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.

- (2) ~~Residential curbside containers.~~
 - a. *Refuse.*
 - i. The City mandates the use of City-provided Curbcarts for residential Refuse service in accordance with the solid waste regulations and applicable state law. ~~Refuse curbcarts are provided by the city in a manner described in the solid waste regulations.~~

 - ii. ~~All refuse must be stored within the curbside.~~

 - iii. ~~The weight of the refuse inside the curbcarts must not exceed 224 pounds for a 64-gallon curbside, 112 pounds for a 32-gallon curbside of 336 pounds for a 96-gallon curbside.~~

 - ii. iv. ~~Applicable fees for the collection of R~~efuse from the Curbcarts shall be set by City Council by resolution. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code.

~~v. — A resident or property owner who obtains a replacement curbside shall pay for the replacement curbside. This requirement shall be waived administratively if the curbside has been stolen, if the curbside was broke by collection vehicle or the curbside is more than 10 years old.~~

b. *Recycling.*

i. Residential ~~R~~ecyclables shall be separated from ~~R~~efuse and ~~and Compost and~~ placed in recycling collection containers in ~~accordance with the a manner determined by the City Administrator through the~~ solid waste regulations ~~and~~ applicable state law.

~~ii. — All recyclable materials must be stored within the recycling collection container with the lid closed.~~

~~iii. — The weight of the recyclables inside the recycling curbsides must not exceed 224 pounds for a 64-gallon curbside, 112 pounds for a 32-gallon curbside, 336 pounds for a 96-gallon curbside or 990 pounds for a 300-gallon curbside.~~

c. *Compostables.*

i. Compostables shall be separated from ~~R~~efuse and ~~Recyclables and~~ placed in compostables containers in ~~accordance with the solid waste regulations a manner determined by the City Administrator through regulations and~~ applicable state law.

~~ii. — Paper yard waste bags and bundles are acceptable for the collection of compostables. City approved compostable curbsides are also acceptable.~~

~~iii. — The weight of compostable bags or bundles must not exceed 50 pounds. The weight of the compostables inside a compostables curbside must not exceed 336 pounds for a 96-gallon curbside, 112 pounds for a 32-gallon curbside or 224 pounds for a 64-gallon curbside.~~

~~iiiv. — The purchase price for compostable carts available from the City shall be set by City Council by resolution. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code.~~

(3) *Multi-family containers.*

a. Every multi-family dwelling unit shall be provided with ~~R~~refuse and ~~R~~recycling, and ~~C~~ompost container space. Each unit shall be equipped with approved ~~R~~refuse and ~~r~~ecycling containers stored outside of the dwelling unit, sufficient to contain the ~~R~~refuse and ~~R~~recycling, and ~~C~~ompost generated by that location until collected ~~in accordance with the solid waste regulations~~. ~~The City Administrator may adopt regulations for the minimum specifications for the containers.~~

~~b. Multi-family dwellings with 10 or more units must use dumpsters to meet the container requirements for refuse.~~

~~c. Recycling containers will be provided by the city in accordance with the solid waste regulations; refuse curbcarts will be provided to multi-family structures with fewer than 10 units in accordance with the solid waste regulations.~~

~~bd.~~ A certificate of occupancy may be revoked for dwellings not meeting the requirements of this subsection, but the ~~C~~ity shall not decline to collect ~~R~~refuse because a location has failed to provide the recycling and compost containers.

~~ce.~~ Multi-family housing locations must be equipped with sufficient approved recyclable containers to contain the ~~R~~recyclables generated by the locations until collected.

~~df.~~ Upon lease signing, property managers must provide new residents with ~~r~~ecycling educational materials ~~including but not limited to recycling~~, and show them where ~~r~~ecycling containers are located at rental properties. Property managers must also provide annual reminders to all tenants about recycling ~~and other solid waste services~~. ~~Recycling educational materials are available free of charge by contacting the city's recycling contractor, Recycle Ann Arbor, at 734-662-6288 or info@recycleannarbor.org.~~

(4) *Commercial containers.*

a. ~~Refuse.:~~ ~~Prior to July 1, 2009, Commercial locations must be equipped with sufficient containers to contain the refuse generated by the locations until collected. Applicable fees for the collection of refuse shall be set by City Council. If the charges are not paid, they may be assessed against the property pursuant to section 1:292 of Chapter 13 of the City Code.~~

~~Effective July 1, 2009, the following provisions of Subsection 2:5(4)(a) and (c) through (eg) shall apply to commercial Refuse; unless a different compliance date is specified for an action or event. The city reserves the right of the City Administrator to adjust the dates in subsection 2:5(4) to later dates to accommodate the transition period for the franchise implementation.~~

- i. The City mandates the use of approved Refuse containers for commercial refuse service. The City, independently or through its Franchised waste hauler, will provide all such containers, which containers shall be used by the Commercial location owner, manager and Commercial location occupants.
- ii. All Refuse must be stored within the approved refuse containers for the Commercial location curbside or dumpster.
- iii. Commercial locations must be equipped with sufficient approved Refuse containers to contain the Refuse generated by the locations until collected. ~~Refuse curbside, including shared curbside, will be provided by the city in accordance with the solid waste regulations to those commercial locations determined to be suitable for refuse curbside. Dumpsters, including shared compacting dumpster units will be provided by the city in accordance with the solid waste regulations to those commercial locations determined to be suitable for dumpsters. The City Administrator may adopt regulations for minimum specifications for the containers, their locations and for the use of those containers.~~
- iv. Applicable fees for the collection of commercial Refuse shall be approved by City Council resolution and, except as otherwise permitted under Section (4)(a)-(v), shall be charged by the City quarterly in advance. If the charges are not paid, they may be assessed against the property pursuant to Section 1:292 of Chapter 13 of the City Code after appropriate collection steps are taken with the Commercial location owner, Commercial location manager or Commercial location occupant ~~of record~~ for the unpaid fees.
- v. The City may enter into a services agreement with a Franchised hauler under which the Franchised hauler shall provide commercial Refuse collection services, at all or some Commercial locations. The services agreement may also provide that the Franchised hauler shall directly charge and bill each Commercial location owner, Commercial location

manager, or Commercial location occupant for its commercial Refuse collection services and that the Franchised hauler shall be responsible for all collections of its charges under the services agreement. Notwithstanding the foregoing, the City retains the right to assess unpaid charges against the property as set forth in Subsection 2:5(4)(iv) pursuant to Section 1:292 of Chapter 13.

- b. ~~Recycling: Prior to July 1, 2009, commercial recyclables shall be separated in a manner determined by the City Administrator through the solid waste regulations.~~

~~Effective July 1, 2009, the following provisions of subsection 2:5(4)(c) through (e) shall apply to commercial recycling: unless different compliance dates are specified for an action or event.~~

- i. Commercial ~~R~~recyclables shall be separated from ~~R~~efuse and compostables and placed in ~~R~~ecyclables collection containers by ~~occupants of C~~commercial location ~~occupants~~ in accordance with a manner determined by the City Administrator through the solid waste regulations.
- ii. The ~~C~~city mandates the use of ~~C~~urbcarts ~~or~~, ~~D~~dumpsters, ~~cardboard corrals and other approved containers~~ for commercial ~~R~~ecyclables service. Other containers may be also be considered for approval. The City Administrator may adopt regulations for minimum specifications for the containers and their locations.
- iii. All ~~R~~ecyclables must be stored within the approved recycling containers for the Ccommercial location ~~curbcart, dumpster, cardboard corral or other city approved container.~~
- iv. Recycling containers and recycling collection services will be provided by the City in accordance with the solid waste regulations.
- v. Commercial locations must be equipped with sufficient approved ~~R~~ecyclable containers to contain the ~~R~~ecyclables generated by the locations until collected.
- vi. Commercial location owners and/or ~~C~~commercial location managers shall work with the ~~C~~city to locate and maintain the ~~R~~ecyclables collection containers at each ~~C~~commercial location.

vii. The Ceity shall provide for an administrative approval process for the location of Recyclables containers at each location, including all required physical improvements necessary for those Recyclables containers (e.g. concrete pads, screening).

viii. Commercial location owners and/or Commercial location managers shall include compliance with the requirements of this section in all lease agreements with Commercial location occupants and in all contracts for custodial services for the Commercial locations.

ix. Commercial location owners and/or commercial location managers shall communicate recycling requirements to Commercial location occupants at least annually and cooperate with the Ceity to facilitate additional Ceity sponsored communication regarding recycling requirements.

~~x. Commercial location owners and/or commercial location managers subject to this subsection shall have until July 1, 2012 to comply with its requirements, after which time the enforcement provisions of subsection 2:13 of this chapter shall become effective. Prior to July 1, 2022, the city will utilize a progressive enforcement program based on non-financial penalty. Notices of Violation initiated by the offering of recycling containers and recycling services as described in subsection 2:5(4)b.v.~~

c. The Commercial location owner and/or Commercial location manager is responsible for full compliance with the requirements of subsection 2:5(4).

d. Commercial Locations shall provide the space allocation necessary to demonstrate compliance with the requirements of this Subsection.

e. Commercial Locations shall provide screening as required by Chapter 55, section 5.20.6.

~~f. Any person providing a location for dumpsters used for commercial recyclables and related screening shall first apply to the planning and development services unit for a zoning compliance permit to do so. Application for such a permit shall contain all information, including drawings, required and necessary for the determination of whether~~

~~the location and related screening would be contrary to the provisions of this chapter, or any other applicable ordinance.~~

- ~~g. As provided for in Chapter 55, site plans submitted for new and or renovated commercial locations shall include sufficient solid waste information including necessary space allocation as to demonstrate compliance with the requirements of this subsection.~~

Section 4. That Section 2:9 of Chapter 26 (Solid Waste) of Title II of the Code of the City of Ann Arbor be amended as follows:

2:9. – Variances.

(1) In cases of extreme hardship or practical difficulties, the City Administrator may authorize variances to this chapter's requirements regarding Ssolid waste containers, container locations, collection frequency and points of collection.

~~(2) Request for exemption from franchised service.~~

~~a. Any commercial location owner and/or commercial location manager may request, in writing, to the City Administrator or designee, that they be exempted from the franchised service if they can document that a national or regional refuse hauling contract was in effect no later than January 31, 2009, the signing of which was outside the person's or entity's control and that the refuse hauler providing those services has secured and maintained a valid hauler license with the city. The request for exemption must be submitted annually by May 15th of each year to document that 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 the exemption status cease to exist. It shall be the responsibility of the commercial location owner and/or commercial location manager to inform the city of this change in status within 30 days of occurrence.~~

~~b. Any commercial, industrial, or institutional user that can document that it has a valid contract for refuse services in effect no later than January 31, 2009 and that the refuse hauler providing those services has secured and maintained a valid hauler license with the city may request and will be granted an exemption from the franchised service up to the initial contract termination date or through June 30, 2011, whichever is earlier, at which time exemptions granted for such purposes shall be terminated without option. For the purposes of this section the initial contract termination date is defined as the end of the current contract period and does not include any renewals or extensions, automatic or otherwise. Contracts signed after January 31, 2009 shall be valid only through June 30, 2009.~~

~~c. Any commercial, industrial, or institutional user that has been granted an exemption from the exclusive franchise or has a valid contract for refuse services as provided for in subsection 2:2(4)b. shall utilize only a hauler that is licensed by the city.~~

~~d. Regardless of an exemption being granted, such commercial locations must comply in full with all requirements of this chapter and regulations including requirements for separation of recyclables from refuse in separate recyclables containers.~~

(23) Request for Eexemption from Ccity provided recycling services.

a. ~~Effective July 1, 2011,~~ Any Ccommercial location owner and/or Ccommercial location manager may request, using on-line forms made available by the Ccity, to the City Administrator or designee, that they be exempted from use of the Ccity provided recycling service. The request shall specify the circumstances that necessitate such Eexemption status, which may include but are not limited to a corporate contract whose provisions are outside the person's or entity's control, or a specialized service that cannot be provided by the Ccity service.

b. The request for Eexemption shall be submitted with a Recycling compliance plan and Recycling compliance report for the Ccommercial locations under question.

c. A Ccommercial location granted an Eexemption under this section must maintain compliance with all other provisions of this ordinance or said Eexemption shall be administratively revoked.

d. The request for Eexemption must be submitted annually by May 15th of each year to document the continuation into the next 12-month period (beginning July 1) of the conditions under which the Exemption was granted. Said Eexemption is effectively terminated if and when the conditions cited as the reason for Eexemptions status cease to exist. It shall be the responsibility of the Ccommercial location owner and/or Ccommercial location manager to inform the Ccity of this change in status within 30 days of occurrence.

e. Regardless of an Eexemption being granted, such Ccommercial locations must comply in full with all requirements of this chapter and regulation including requirements for separation of Recyclables from Refuse in separating Recycling containers.

Section 5. This ordinance shall take effect on the tenth day after legal publication.

I hereby certify that the foregoing ordinance was adopted by the Council of the City of Ann Arbor, Michigan, at its regular session of March 20, 2023.

Jacqueline Beaudry, Ann Arbor City Clerk
Christopher Taylor, Mayor of the City of Ann Arbor

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