



## Legislation Text

---

**File #:** 10-0473, **Version:** 2

---

An Ordinance to Amend Sections 2:1, 2:3, 2:4, 2:5 and 2:9 of Chapter 26 (Solid Waste Management) of Title II of the Code of the City of Ann Arbor - for Single Stream Recycling (Ordinance No. ORD-10-16)

The attached language initiates the consideration through first reading regarding proposed amendments to Chapter 26, the Solid Waste Ordinance, to clarify modifications required under the City's new single stream recycling program.

The most significant recommended amendment relates to the placement of the recycling carts that will be required with the implementation of the automated recycling collection system. That location will be curbside for most residences, including smaller multi-family locations.

Staff met with the Washtenaw County Apartment Association and also worked with the Ann Arbor Area Chamber of Commerce to solicit their feedback on the amendments to Chapter 26.

Addendum for June 21, 2010, City Council meeting:

Since this ordinance was before Council at first reading on June 7, 2010, staff has made one non-substantive correction and a couple of non-substantive changes for clarification.

In Section 2:3(1), the word "recycling" that immediately preceded "cart" in the second line has been deleted. Although the purpose of the amendment is to require recycling curbcarts to be placed curbside, like refuse and compostable curbcarts, modification of "carts" with "recycling" inadvertently removed the existing curbside placement requirement for refuse and compostable curbcarts.

The amendment to Section 2:3(1) also eliminates the reference to street leaf pick up.

In Section 2:5(2), subsections a.iii, b.iii and c.iii all are revised to state the actual weight limit for each curbside size instead of stating the weight limit for one curbside size and providing that the weight limits are pro-rated for other sizes. The language in c.iii also is modified slightly for parallel structure and consistency with the language in a.iii and b.iii.

Prepared by: Tom McMurtrie, Systems Planning Unit

Reviewed by: Sue F. McCormick, Public Services Area Administrator

Approved by: Roger W. Fraser, City Administrator

ORDINANCE NO. ORD-10-16

First Reading : June 7, 2010

Public Hearing : June 21, 2010

Approved: June 21, 2010

Published: June 25, 2010

Effective: July 4, 2010

## SOLID WASTE MANAGEMENT - FOR SINGLE STREAM RECYCLING

AN ORDINANCE TO AMEND SECTIONS 2:1, 2:3, 2:4, 2:5 AND 2:9 OF CHAPTER 26 (SOLID WASTE MANAGEMENT) OF TITLE II OF THE CODE OF THE CITY OF ANN ARBOR.

The City of Ann Arbor Ordains:

Section 1. That Sections 2:1, 2:3, 2:4, 2:5 and 2:9 of Chapter 26 of the Code of the City of Ann Arbor be amended to read as follows, including the renumbering of subsections as needed:

### **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 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 the recycling containers and collection services provided to residential and commercial locations by the City or its agents, contractors or licensees.

(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 waste* means the solid waste from commercial locations and all other activities and land use other than residential occupancy.

(9) *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 City-provided fact sheets.

(10) *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.

(11) *Curbscart* means a lightweight plastic container that the City requires to be used and has provided to residential and commercial locations. A curbscart ranges in size from 30 to 405300

gallons, is equipped with wheels to allow it to be easily rolled to the curb, is used for collection of refuse or recyclables or other designated solid waste, and is able to be mechanically lifted and emptied into a collection truck.

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

(13) *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 or front-loading refuse or recycling truck.

(14) *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 City's recycling and environmental goals as required to protect the public health, safety and welfare, as provided for in the solid waste regulations.

(15) *Franchisee or franchised hauler* means contractual arrangements the City has made by having the City and an exclusive service provider selected by the City perform collection services that are structured to support the City's recycling and environmental 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 waste* means the solid waste discarded at residential dwellings, including single- and multi-family units.

(20) *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 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.

(22) *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.

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

(24) *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.

(25) *Refuse* means all rubbish and garbage which is not deemed recyclable or compostable as defined in this chapter or by the solid waste regulations. It does not include hazardous material or other prohibited materials.

(26) *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.

(27) *Solid waste* means refuse, rubbish, recyclables, and compostables discarded by residents and commercial 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.

(28) *Solid waste containers* means any containers approved by the solid waste regulations for deposit of solid waste, including containers for refuse, recyclables or compostables.

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

### **2:3. Point of collection.**

The City shall collect solid waste only if it is at the following location on the collection day:

(1) With the exception of locations listed in 2:3(2) the required point of collection for carts shall be curbside, regardless of whether locations are served by trash dumpsters. For residential dwellings and other locations not served by dumpsters, the point of collection shall be curbside. Leaves are collected each year from the street in accordance with the solid waste regulations.

(2) Collection shall take place at the point of storage for commercial locations and multi-family housing complexes with three or more buildings, provided that location is readily accessible by the City's automated collection trucks. All other solid waste shall be collected at the point of storage, provided that the location is permitted by the solid waste regulations and is accessible to City solid waste collection equipment.

(3) The City or its service providers may refuse to collect solid waste where such materials are not stored in compliance with the solid waste regulations including where snow and ice have not been removed properly or where access has not been properly prepared for service vehicles to access curbscarts.

## 2:4. Points of storage.

(1) Exterior solid waste containers must be stored at the rear or side of a structure. If storage at the rear or side is not possible, storage in a different location may be approved by the City Administrator or the public services area administrator. If the container location is shown on an approved site plan, the container must be kept at the collection point shown on the site plan. Notwithstanding any site plan, no storage may be on a public easement or right-of-way unless a recorded grant of that right-of-way, license or permit has been obtained.

(2) With the exception of single- or two-family homes, solid waste customers located within the Downtown District as defined in Chapter 7 that have a point of collection at the curb shall not leave solid waste or solid waste containers at the collection point earlier than 5:00 p.m. the day before collection or after 12:00 noon or an hour after collection on the designated day of collection if collection has not occurred by 11:00 a.m.

(3) Solid waste collectors providing service to customers described in Section 2:4(2) shall collect materials by 11:00 a.m. unless an Act of God or other factors beyond the collector's control prevent collection on time. Materials not collected by 11:00 a.m. must still be collected, but the late collection will not excuse the failure to collect by 11:00 a.m. Late collection and failure to provide collection is a separate violation of this section. Solid waste collector refers to the company providing the service and not the individual drivers.

(4) With the exception of the solid waste customers described in section (2), above, all solid waste customers that have a point of collection at the curb shall not leave solid waste or solid waste containers at the collection point for more than 24 hours before or 12 hours after the designated day of collection.

(5) All dumpsters must comply with the solid waste regulations for frontload collection service. Dumpster placement requirements are provided in the solid waste regulations.

## 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 curbcarts for residential refuse service. 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 cart.

iii. The weight of the refuse inside the curbcarts must not exceed 224 pounds for a 64 gallon curbside cart, or a prorated amount for a different sized 112

pounds for a 32 gallon curbscart or 336 pounds for a 96 gallon curbscart.

- iv. Applicable fees for the collection of refuse from the curbscarts 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 curbscart shall pay for the replacement curbscart. This requirement shall be waived administratively if the curbscart has been stolen, if the curbscart was broken by collection vehicle or the curbscart is more than ten years old.
- b. *Recycling.*
- i. Residential recyclables shall be separated from refuse and placed in recycling collection containers in a manner determined by the city administrator through the solid waste regulations.
  - 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 curbscarts must not exceed 224 pounds for a 64 gallon curbscart, 112 pounds for a 32 gallon curbscart, 336 pounds for a 96 gallon curbscart or 990 pounds for a 300 gallon curbscart.
  - ii. ~~Recyclable containers and bundles not exceed 50 pounds.~~
- c. *Compostables.*
- i. Compostables shall be separated from refuse and place in compostables containers in 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 curbscarts are also acceptable.
  - iii. The weight of compostable bags or bundles shall ~~shall~~ must not exceed 50 pounds. The weight of compostables inside a compostables curbscart must not exceed 336 pounds for a 96 gallon curbscart, 112 pounds for a 32 gallon curbscart or 224 pounds for a 64 gallon curbscart.
  - iv. 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 refuse and recycling container space. Each unit shall be equipped with approved refuse and recycling containers stored outside of the dwelling unit, sufficient to contain the refuse and recycling generated by that location until collected. 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.

d. A certificate of occupancy may be revoked for dwellings not meeting the requirements of this subsection, but the City shall not decline to collect refuse because a location has failed to provide recycling containers.

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

f. Upon lease signing, property managers must provide new residents with recycling educational materials and show them where recycling containers are located at rental properties. Property managers must also provide annual reminders to all tenants about recycling. 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](mailto:info@recycleannarbor.org) <<mailto: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 g. 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 occupants.

ii. All refuse must be stored within the curbscart or dumpster.

iii. Commercial locations must be equipped with sufficient approved refuse containers to contain the refuse generated by the locations until collected. Refuse curbcarts, including shared curbcarts, will be provided by the City in accordance with the solid waste regulations to those commercial locations determined to be suitable for refuse curbcarts. 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 set by city council resolution and shall be charged 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, manager or occupant of record for the unpaid fees.

- 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) b. through g. shall apply to commercial recycling unless different compliance dates are specified for an action or event.

- i. Commercial recyclables shall be separated from refuse and compost and placed in recyclables collection containers by occupants of commercial locations in a manner determined by the city administrator through the solid waste regulations.
- ii. The City mandates the use of curbcarts, dumpsters, cardboard corrals and other approved containers for commercial recyclables service. The city administrator may adopt regulations for minimum specifications for the containers and their locations.
- iii. All recyclables must be stored within the 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 recyclable containers to contain the recyclables generated by the locations until collected.
- vi. Commercial location owners and/or commercial location managers shall work with the City to locate and maintain the recyclables collection containers at each commercial location.
- vii. The City 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 City to facilitate additional City 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, 2011~~2~~, 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. Locations shall provide the space allocation necessary to demonstrate compliance with the requirements of this subsection.
- e. Locations shall provide screening as required by chapter 62, section 5:604.
- 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 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 57, 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.

## **2:9. Variances.**

(1) In cases of extreme hardship or practical difficulties, the city administrator may authorize variances to this chapter's requirements regarding solid 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 15<sup>th</sup> 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 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.
- (3) Request for exemption from City provided recycling services.
- a. Effective July 1, ~~2012~~2011, any commercial location owner and/or commercial location manager may request, using on-line forms made available by the City, to the city administrator or designee, that they be exempted from use of the City provided recycling service. The request shall specify the circumstances that necessitate such exemption 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 City service.
  - b. The request for exemption shall be submitted with a Recycling compliance plan and Recycling compliance report for the commercial locations under question.
  - c. A commercial location granted an exemption under this section must maintain compliance with all other provisions of this Ordinance or said Exemption shall be administratively revoked.
  - d. The request for exemption must be submitted annually by May 15<sup>th</sup> 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 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.
  - e. Regardless of an exemption being granted, such commercial locations must comply in full with all requirements of this chapter and regulation including requirements for separation of recyclables from refuse in separate ~~recyclable~~ recycling containers.

Section 2. That this ordinance shall take effect on the tenth day after legal publication.