

City of Ann Arbor Commercial Recycling Implementation Package

MULTI-TENANT/GENERAL COMMERCIAL DRAFT ORDINANCE LANGUAGE

The following identifies major objectives for the draft commercial solid waste and recycling ordinance and rules/regulations required for implementing the recommended commercial recycling programs. A first draft of the ordinance and regulation language is provided as part of the Implementation Binder. This draft will be updated as details emerge from the development process that is underway – so there are placeholders for some items. The ordinance language and any accompanying rules and regulations would become part of the City Code, Chapter 26, Solid Waste Management.

Ordinance and regulation parameters will:

- Provide clear definitions of key terms, as part of Section 2.1 (Definitions) and regulations R2.1, especially for each group covered (e.g. building owner, manager, tenant, franchised hauler, franchised processor, licensed hauler, etc.).
- Clearly specify in Section 2.3 (Collection Frequency and Fees) and in the regulations the details of recycling/waste collection services to be provided by the city and those that would be provided by the city or its contracted or franchised service providers through the city solid waste enterprise fund (basic recycling and base level refuse services) and the additional services that would be provided by the city or its contracted, franchised or licensed service providers for a fee and how those fees are determined (e.g. through request for proposal process and franchised vendor fee schedules). Many of these details will be incorporated as the service specifications are finalized.
- Provide details as needed in Section 2.4 (Point of Collection) and in the regulations on specifics of placement of recyclables, organics and refuse at the time of collection, who is responsible for that placement and who is authorized to collect (e.g. city and contracted, franchised or licensed hauler only unless provided for elsewhere through exemption). Again, many of these details will be incorporated as the service specifications are finalized.
- Provide details as needed in Section 2.5 (Points of Storage) and 2.6, (Containers) and in the regulations on the specifics of container type, when the city will provide containers, maintenance and repair of containers, location of containers, screening requirements, requirements for new buildings, and how materials should be prepared for and placed in containers. Again, many of these details will be incorporated as the service specifications are finalized.
- Provide details as needed in Section 2.7 (Facilities) and in the regulations on facilities that will receive collected materials (e.g. MRF, transfer station or franchised processor for construction waste) and the requirements and fees (if applicable) for receiving material at those facilities.
- Clearly specify in Section 2.10 (Variances) and in the regulations (R2.11) on exemptions/variances that are provided for in the recommended program (e.g. those needing confidential document destruction services are not required to place that material in the city recycling bins) and what responsibilities those receiving exemptions still have to meet the intent of the recommended program (still demonstrate that recycling plan is being implemented)
- Provide details as needed in Section 2.12 (Enforcement) and in the regulations on the role that technical assistance, outreach and education will play in a "soft enforcement" approach to assuring behavior consistent with the ordinance and the mechanisms that will be used to determine and then respond to chronic violations of the ordinance over time.

**MULTI-TENANT/GENERAL COMMERCIAL
ATTACHMENT A:
DRAFT VERSION #1 OF ORDINANCE LANGUAGE**

**City of Ann Arbor
Commercial Recycling Implementation Package**

Purpose and application: To require the diversion of recyclables from the waste stream generated at businesses within the City of Ann Arbor by providing recycling services through municipal and contracted service providers and to control the services provided to users of solid waste services through provision of an exclusive franchise for the collection and disposal of solid waste for business users by competitive procurement of 1 (or more) contracts with qualified service providers.

R2: 1. Definitions (examples of definitions follow)

- 1) *"Business"* is any commercial entity, including industrial and institutional, but not including multifamily customers.
- 2) *"Building Owner"* is the owner of any building or multi-tenant building.
- 3) *"Manager"* is anyone who is responsible for the work and staff of a business.
- 4) *"Multi-tenant building"* is any commercial location that houses two or more businesses.
- 5) *"Tenant"* is any lessee of a multi-tenant building
- 6) *"Responsible party"* shall be the business or building owner, or manager and, if different, the party responsible for the management and disposal of solid waste generated at the business.
- 7) *"Generator"* means an entity which uses the Solid Waste, Recycling and/or Composting collection service and containers arranged for by the "Customer."

R2:2. Responsibilities, City Provision of Service, Franchisee and License Requirements

R2:3 Collection Frequency; and Fees.

- To be determined. (*This section would include the details of recycling/waste collection services to be provided by the city and those that would be provided by the city or its contracted or franchised service providers through the city solid waste enterprise fund (basic recycling and base level refuse services) and the additional services that would be provided by the city or its contracted, franchised or licensed service providers for a fee and how those fees are determined (e.g. through request for proposal process and franchised vendor fee schedules),*

R2:4. Point of Collection (sample language)

The City shall collect commercial recyclables only at the following location on the collection day:

- 1) from the point of storage.

R2:5. Points of Storage

R2:6. Containers for Solid Waste and Recycling (sample language)

- 1) Containerized Requirements
 - a. Commercial Curbcarts
 - i. the City provides access to automated recycling curbcarts and/or dumpsters to all businesses customers.
 - ii. The fees for the cost and delivery, servicing, and replacement of Curbcarts will be covered by the City.
 - b. The number of carts and or dumpsters assigned to a location is dependent on the amount of recyclables expected to be generated on-site each week.
- 2) Commercial Recycling Collection

R2:7. Prohibited Materials

R2:8. Solid Waste Facilities

R2:9. Scavenging and Unauthorized Storage

R2:10. Variances

1) Should a business require the use of an alternate recycling service provider to comply, businesses must complete a recycling checklist plan to either recover 50% of their waste stream or to recover the top two materials, whichever is greater. Recycling checklist must be submitted annually to document the continued operation of the recycling program. Types of situations that would allow for a variance:

- a) Businesses that require use of a confidential document handling
- b) National or corporate waste and recycling contracts
- c) Special materials

R2:11. Solid Waste Regulations

R2:12. Removal of improperly stored material; enforcement.

- 1) The failure by responsible party to implement on-site recycling program after two years from ordinance update, shall be in non-compliance and receive formal warning notices.
- 2) Failure by the responsible party to implement on-site recycling after formal warning notices will result in penalties and fines for non-compliance.
 - a. Class xxx Civil violations to be assessed for every month of non-compliance after year three of program.

R2:13. Illegal Storage of Solid Waste.

R2:14 Penalties level and amount of penalty.