

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) *Curbside cart* means a lightweight plastic container that the City requires to be used and has provided to residential and commercial locations. A curbside cart ranges in size from 30 to 300 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 curbside cart.

(Ord. No. 20-89, § 5, 9-5-89; Ord. No. 66-90, § 6, 11-19-90; Ord. No. 3-96, § 1, 3-18-96; Ord. No. 27-03, § 1, 7-7-03;

2:12. - Illegal storage of solid waste.

- (a) No person shall store solid waste or solid waste containers on property except at locations as permitted by this chapter or regulations implementing this chapter. 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.
- (b) 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.
- (c) 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.
- (d) 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.
- (e) 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:
 - (1) 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.
 - (2) 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.
 - (3) 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.
- (f) 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 separate from the written lease agreement, until such time that this ordinance 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 ordinance is incorporated into the "Rights and Duties of Tenants" booklet.

(Ord. No. 27-87, § 1, 4-9-87; Ord. No. 3-96, § 1, 3-18-96; Ord. No. 41-02, § 3, 11-7-02; Ord. No. 32-05, § 10, 10-4-05; Ord. No. 10-26, § 1, 7-19-10)

Note—See the editor's note at [§ 2:8](#)

2:13. - Penalties.

- (1) The primary authority and responsibility for the enforcement of the provisions of this chapter shall be vested in the Administrator or his/her designee(s). Upon a determination that a person is in violation of this chapter, the City shall give notice or issue a citation that indicates the

person is in violation of a section in this chapter.

- (2) Upon a finding that a section of this chapter has been violated, the violator shall be subject to 1 or more of the penalties provided in this section. The following classifications, when used in this chapter, shall determine the penalty for any violation of any provision of this chapter.
- (3) Each violation of this chapter shall be a civil infraction punishable by a civil fine of up to \$1,000.00, plus costs and all other remedies available by statute. Violation of this chapter shall be punishable by a civil fine of \$200.00 for the first offense, \$400.00 for the second offense, and \$1,000.00 for each additional or subsequent offense within a 5-year time period, plus costs and all other remedies available by statute. Each day of violation shall be a separate violation except in a case when the maximum fine is levied. If the penalty is not paid within 45 days, it may be assessed against the parcel under [Section 1:292](#) of this Code.
- (4) The City Administrator shall establish procedures, incorporated into the regulations for this chapter, establishing progressive enforcement programs applicable to specific sections of this chapter, designed to assure compliance over a specified time period with the provisions of this section. Enforcement actions in each progressive enforcement program may include designated time periods for technical assistance and dispute resolution prior to violation notices consistent with subsection [2:13](#)(3) of this chapter.

(Ord. No. 4-84, 4-16-84; Ord. No. 27-87, § 2, 4-9-87; Ord. No. 3-96, § 1, 3-18-96 Ord. No. 41-02, § 4, 11-7-02; Ord. No. 25-04, § 2, 8-2-04; Ord. No. 30-05, § 1, 8-15-05; Ord. No. 32-05, § 11, 10-4-05; Ord. No. 09-03, § 1, 3-2-09; Ord. No. 10-26, § 2, 7-19-10)

Note—See the editor's note at [§ 2:8](#)