

ANN ARBOR'S NONRETURNABLE BEVERAGE CONTAINER ORDINANCE

Introduction

Ann Arbor's Nonreturnable Beverage Container Ordinance becomes effective June 1, 1973. It is the first ordinance of its kind to be put into effect in a city in Michigan, although similar ordinances have been proposed and passed by other Michigan cities. These cities' ordinances have later effective dates.

The purpose of the ordinance is to increase the use of reusable beer and soft drink containers. The effect will be to increase land-fill space, to decrease litter, and to conserve energy. Other areas of the country which have ordinances of this nature currently in effect have demonstrated that these goals have been accomplished by this legislation. These areas have also experienced no increase in the prices of beer and soft drinks.

It is true that a few brands of beverages may disappear from the store shelves. It is hoped that as this kind of legislation becomes more prevalent across the country that the makers of these brands will begin to provide their beverages in returnable containers. This, too, is a purpose of the ordinance.

It is the cooperation of everyone involved--consumers, retailers, city officials--which will prove this ordinance successful. The initial transition for retailers to the returnable beverage containers may prove frustrating and cumbersome, at first, but the experience of other areas has shown that the system does smooth out. We urge retailers, distributors, and bottlers to seek the assistance of city officials when they have problems. We urge consumers to assist in making the purposes of the ordinance a reality.

The Deposit

This ordinance makes it illegal to sell or offer for sale any beer or soft drink in a container of one gallon or less (whether made of glass, metal, plastic, or any combination thereof) which is sold for off-premises consumption, unless there is a deposit charged. This deposit must be at least five cents (5¢) on soft drink containers and two cents (2¢) on standard reusable beer containers.

Dealers are required to refund the deposits for any size and brand of beer or soft drink carried by that dealer, whether or not the container being returned was sold by that dealer.

Wine or spirituous liquor containers are not included in the ordinance, and may continue to be sold without a deposit.

Nonreusable Containers

Beers and soft drinks which are presently only available in non-reusable (one-way) containers must be sold with a deposit of at least five cents (5¢), as designated in Section 6:204 of the Ordinance, and the dealer must refund the deposit for such containers. Nonreusable containers may be sold within a "sale or consumption area" with no deposit.

Although the purpose of the ordinance is to increase the use of reusable beer and soft drink containers, the option of carrying nonreusables is still open to bottlers who distribute in Ann Arbor. One-way containers redeemed by dealers may be recycled toward the goal of litter reduction.

Section 6:204 provides the beverage industry with the additional option of marking Ann Arbor containers so that they are distinguishable from throw-aways sold in other communities. This permits retailers to avoid paying refunds on unmarked containers. Approval for a marking system must come from the Director of Building and Safety Engineering.

Sale or Consumption Area

Beverages which are consumed on the premises where the sale is made may be sold without payment of a deposit. If a consumer wishes to remove a beverage container from the "sale or consumption area" he/she must be required by the dealer to pay the deposit.

Vending Machines

According to the ordinance, a deposit is either included in the price of the soft drink, in which case an attendant refunds it upon return of the container by the consumer; or, the attendant collects the bottle deposit if the consumer is going to take the container off the premises.

Vending machines which are presently equipped to hold cans may have their mechanisms changed to accommodate reusable glass bottles at a one-time, minimal charge to the machine's owner, at no charge to the lessor. If the mechanisms of can-holding vending machines are not changed, the cans may be marked especially for Ann Arbor so that the operator of the machine is not required to refund deposits for cans sold outside the City of Ann Arbor. An attendant must be responsible for accepting deposits and refunding them if consumers remove the containers from the premises, or the coin mechanism must be altered to automatically charge the deposit.

Regional Redemption Centers

Regional redemption centers are premitted under Section 6:204 of the Ordinance. The regional redemption centers may accept any deposit containers specially marked for Ann Arbor as well as regular reusable glass beer and soft drink containers. These centers operate in addition to, not as substitutes, for the redemption operations required by law at each retail outlet.

The location of the regional redemption points need not be the point of sale; however, the ordinance states that they shall be within 100 yards of the point of sale. Redemption centers could serve to decrease the amount of storage space needed by individual retail outlets for handling of the deposit containers and provide a central place for consumers to return all deposit beverage containers. It should be noted that retailers may cooperatively operate such redemption centers.

Enforcement

The Department of Building and Safety Engineering, Fifth Floor, City Hall, 100 N. Fifth Avenue, 761-2400, X-271, is responsible for the enforcement and interpretation of the ordinance. Any questions about the provisions of the ordinance should be directed to that department.

Violations of the ordinance should also be reported to the Department of Building and Safety Engineering, which has been granted the authority to ticket retailers who fail to comply with the Ordinance.