

Municipalities—Organized Collection Service Act

HB 2195, the Organized Collection Service Act, establishes standards for transitions in service (e.g., from private to public or from multiple haulers to a single franchisee) for solid waste and recyclables collection services in municipalities that have solid waste collection authority. The requirements include a municipal resolution of intent, participation in planning meetings by those operating such collection services, a hearing on a proposed plan, and a transition period of at least 18 months. The provisions do not apply to the collection of waste tires.

The bill does the following:

- Authorizes a municipality to establish a municipal collection service by ordinance or resolution (depending upon the type of municipality). The ordinance or resolution must incorporate any franchise, license or contract involved.
- Defines “municipality” to include any county, city, township or other political or taxing subdivision which has the authority to create, regulate or otherwise affect the delivery of collection services.
- Defines “organized collection service” to mean a system for collecting solid waste, recyclables or both, and to include franchise, organized collection or a process in which a municipality goes from multiple haulers to one contracted hauler.
- Requires the municipality’s governing body to pass a resolution of intent to establish the municipal collection service at least 180 days before adopting the ordinance or resolution. The resolution must:
 - Be published once in the official newspaper of the municipality.
 - Give notice of a public hearing, which must be held at least 30 days prior to the meeting in which the resolution will be considered for adoption. The notice also must invite the participation of interested persons in planning and establishing the collection service.
- Requires the municipality, during the 90 days following adoption of the resolution, to develop a plan for organized collection service. The municipality must invite and use the assistance of all those operating solid waste or recyclables collection services, and these persons must be allowed to participate in the planning meetings. The bill sets forth the plan requirements, including (1) a description of how it will minimize displacement and economic impact to current solid waste collectors, and (2) a requirement to provide detailed justification for any tax, franchise or similar fee.

- Requires the municipality to provide 30 days' notice prior to the hearing on the proposed plan to all those operating relevant services in the municipality.
- Prohibits the municipality from beginning organized collection service for a period of at least 18 months from the adoption of the ordinance or resolution. During this time, the municipality must not displace any person licensed to operate collection services in the municipality.
- Requires the planning process be started over if a municipality fails to implement an organized collection service by passage of an ordinance or resolution under the bill within one year of the passage of a resolution of intent.
- States the Act is to be applied to all municipalities regardless of the stage of development of an organized collection system, but the Act does not apply to collection of waste tires as defined in statutes governing disposal of waste tires.