

Work Session

Agenda Item #	5
Meeting Date	February 10, 2016
Prepared By	Daryl Braithwaite, Public Works Director
Approved By	Suzanne Ludlow City Manager

Discussion Item	Update on the Multifamily and Business Recycling Program
Background	<p>On July 27, 2015, the City Council adopted Ordinance 2015-33. The Ordinance amended existing City Code requiring recycling at multifamily properties and established the requirement for commercial and institutional properties. The law became effective on January 1, 2016. In addition to requiring the establishment of recycling programs, the law requires the filing of a compliance report by July 1, 2016, and annually thereafter, for multifamily properties with private collection.</p> <p>Implementation tasks for City staff included:</p> <ul style="list-style-type: none"> • Develop a method for receiving annual reports; • Develop the required signs to be posted at multifamily properties to communicate the requirement and “how to” recycle – such signs need to be easily understood by residents who may not speak English well; • Ensure that the system being established is enforceable and identify who will be responsible for providing enforcement; • Prepare website content with helpful information for multifamily properties, businesses, institutions and commercial properties; • Compile a listing of addresses of multifamily properties, businesses, institutions and commercial properties to receive notice of the law; • Develop and adopt regulations related to the implementation of the law. <p>City staff from the Housing and Community Development Department and the Public Works Department have met a number of times to discuss implementation and to work through the logistics of the new law. Draft regulations, developed by the City Attorney’s office and revised by staff, are attached. The notification letters, webpage content and notice for posting are near final form.</p> <p>At the Council Work Session, staff will brief the Council on where we are to date in implementing the recycling program and discuss some possible modifications.</p>
Policy	The City is committed to a reduction in the amount of waste transported to landfills, consistent with its policy of environmental sustainability.
Fiscal Impact	Costs of preparation and distribution of information materials and notices for posting; staff time in overseeing and enforcing the Ordinance and regulations.
Attachments	City Code Chapter 10.12 and 10.14 Draft Regulations
Recommendation	Hear update and consider suggestions for modification

Chapter 10.12

PRIVATE COLLECTION FROM MULTIFAMILY FACILITIES

Sections:

- 10.12.010 General.
- 10.12.020 Private collection of refuse at multifamily facilities.
- 10.12.030 Private collection of recyclables at multifamily facilities.
- 10.12.040 Private collection of compostables at multifamily facilities.

*Prior legislation: Ord. 2010-28, prior code §§ 10-13—10-21.

10.12.010 General.

- A. This chapter applies to all multifamily facilities with 13 or more units. This chapter also applies to multifamily facilities with 12 or fewer units for which the owners do not elect City refuse and recyclable collection.
- B. The person responsible or an employee of the person responsible must either collect refuse and recyclables from the facility or contract with a licensed collector. (Ord. 2015-33 § 1, 2015)

10.12.020 Private collection of refuse at multifamily facilities.

The person responsible must provide refuse collection with sufficient frequency to prevent unsanitary conditions at the property and no less often than once per week. The person responsible must provide sufficient common refuse collection bins to hold the amount of refuse generated by the property between collections. (Ord. 2015-33 § 1, 2015)

10.12.030 Private collection of recyclables at multifamily facilities.

- A. The person responsible for each multifamily facility that does not receive City refuse and recycling collection must facilitate recycling by tenants in each rental unit, including, but not limited to, providing sufficient common recycling bins to hold the amount of recyclable materials generated at the property between collections, collecting recycling at least once per week, making the common recyclable collection bins visible and at least as accessible as common refuse collection bins, and posting notice of the City's recycling policies in a form approved by City regulation where common refuse and recycling bins are located.
- B. Proof of Participation in Recycling Program. The responsible parties of multifamily facilities that do not receive City recyclable collection shall file a report certifying compliance with this section on a form provided by the City by July 1, 2016. Thereafter, the person responsible must file its certification report annually by July 1st. Multifamily facility owners must maintain and, upon request by City Manager, produce proof of a valid and current contract with a licensed collector and a copy of the collector's license or one year's receipts for delivery of recyclable materials to a licensed recycling facility.
- C. Failure to comply with any of the requirements in this section shall constitute a Class C offense and may be levied on a per-day, per-unit basis. (Ord. 2015-33 § 1, 2015)

10.12.040 Private collection of compostables at multifamily facilities.

Reserved. (Ord. 2015-33 § 1, 2015)

Chapter 10.14

BUSINESS RECYCLING AND COMPOSTING

Sections:

- 10.14.010 Business recycling.
- 10.14.020 Businesses—Refuse and recyclables prohibited in public bins.
- 10.14.030 Business compostable collection.

10.14.010 Business recycling.

A. This section shall apply to businesses and commercial property owners. Beginning January 1, 2016, all businesses shall recycle all recyclable materials.

B. Businesses or their commercial property owners must utilize a licensed collector to collect recyclable materials. (Ord. 2015-33 § 1, 2015)

10.14.020 Businesses—Refuse and recyclables prohibited in public bins.

No business shall place any refuse or recyclables generated from the conduct of business in any refuse bin provided by the City for the public in the public right-of-way. A violation of this section is a Class B offense. (Ord. 2015-33 § 1, 2015)

10.14.030 Business compostable collection.

Reserved. (Ord. 2015-33 § 1, 2015)

1 **DRAFT**

2 **REFUSE AND RECYCLING REGULATIONS**

3 **Part 1. General Provisions**

4 **Section 1.1 Definitions**

5 “Business” means the owner or operator of any business, entity, or institution other than a
6 multifamily facility, at, from, or by which solid waste is generated.

7 “Commingled materials” means aluminum cans and foil products, bi-metal cans, glass
8 bottles and jars, plastic narrow neck bottles, recyclable plastic containers as specified by
9 City regulation, and any other materials designated by City regulation, which are not
10 separated by type, but are mixed together in one bin.

11 “Dead animal” means the dead body of any animal not killed for food.

12 “Director” means the Director of Public Works or his or her designee.

13 “Mixed paper” means clean, dry paper items. These items include white paper, colored
14 paper, corrugated cardboard, boxboard, newspapers and inserts, magazines, catalogs,
15 telephone directories, paperback books, envelopes with or without plastic or glassine
16 windows, and other clean, dry paper.

17 “Multifamily facility” means a structure or group of structures located on the same or
18 contiguous properties operating as a single business entity containing multiple dwelling
19 units, including condominium buildings and apartment buildings.

20 “Person responsible” means, in the case of multifamily facilities covered by a common
21 ownership association, the association representative, as listed in the Montgomery
22 County Office of Common Ownership Properties; in the case of rental facilities, the
23 property owner or agent, as identified in the rental housing license; and, in the case of
24 single family homes, the owner.

25 **Section 1.2 Recyclable materials**

26 A. The following materials must be recycled:

- 27 1. Clean, dry paper and cardboard, including white paper, colored paper,
28 corrugated cardboard, boxboard, newspapers and inserts, magazines,
29 catalogs, telephone directories, paperback books, and envelopes with or
30 without plastic or glassine windows.
- 31 2. aluminum cans
- 32 3. foil products
- 33 4. bi-metal cans
- 34 5. glass bottles
- 35 6. glass jars
- 36 7. plastic narrow neck bottles
- 37 8. plastic containers marked with the universal recyclable symbol #1 through
38 #5, □, except for polystyrene plastic, which is marked with symbol #6,
39 □.

40 **Part 2. City Collection of Residential Refuse and Recyclables**

41 **Section 2.1 General**

42 **A. Clearing of ice and snow from collectors' path.**

43 The person responsible shall, in icy and snowy weather, keep the walks, paths, driveways
44 and steps as may be used by the collector in a condition that will permit the collection to
45 be made without hazard to the collectors. If this section is violated, collection will not be
46 made.

47 **B. Confinement of animals during collection**

48 The person responsible shall, on collection days, securely confine, in a manner that does
49 not interfere with the collectors' duties, any animal capable of inflicting bodily harm
50 upon the collector. If this section is violated, collection will not be made.

51 **Section 2.2 Special collections**

52 Special collection materials. Persons responsible shall schedule the collection of heavy
53 or bulky household items such as furniture, certain appliances or other large or heavy
54 household items before placing them out for collection, shall not put them out for
55 collection until 7:00 pm on the day before the collection, and shall be responsible for
56 paying a special collection fee.

57 **Section 2.3 Collection of recyclable materials**

58 A. The City shall collect recyclable material once a week on a day specified by the
59 City Manager. However, recyclable material will not be collected on that day if:

- 60 1. Snow or ice has made roadways impassable; or
61 2. The day falls on a legal holiday.

62 B. Mixed paper shall be secured against blowing away. Loose mixed paper shall be
63 bagged, bundled or boxed before placement in a recycling bin to facilitate the separation
64 of mixed paper and other recyclables at the collection facility. Each bag, box or bundle
65 shall not weigh more than 25 pounds to facilitate collection.

66 C. Corrugated cardboard boxes must be broken down and secured from blowing
67 away.

68 D. The City shall provide a recycling collection bin to each single-family residential
69 unit required to participate in the recycling program. Residents can receive replacement
70 bins from the City if theirs is lost or stolen.

71 E. The recycling bin is the property of the City. The recycling bin is to remain at
72 each residential unit to which it was given. Residents who move into the City after the
73 program has begun may receive use of another recycling bin if the bin was not left with
74 their property.

75 F. A person shall place all recyclable material (except newspaper and cardboard)
76 loose in the collection bin provided to residents by the City or any other clearly marked,

77 stiff sided container, of less than 30 gallon size. Individual recyclable materials should be
78 emptied and rinsed before being placed in the recycling bin.

79 G. A person shall not use the recycling collection bin for any other use except the
80 storing of recyclable items prior to collection.

81 H. Except for the City, its contractor or the person who placed the recyclable material
82 next to the curb, a person shall not collect recyclable materials that have been placed next
83 to the curb.

84 **Section 2.4 Notice to residents of Multi-Family Properties with City Collection**

85 The person responsible shall post notice of the City’s recycling policies where common
86 refuse and recycling bins are located. The required notice is attached to these regulations
87 as Appendix A.

88 **Section 2.5 Violations**

89 A. Before issuing a citation for a municipal infraction, warning notices shall
90 be given to the person responsible as follows:

91 1. First Violation. The City Manager shall issue a warning notice to the
92 person responsible.

93 2. Second Violation. The refuse shall not be collected on the date of the
94 violation and the City Manager shall issue a second warning notice to the
95 person responsible. The warning notice shall describe the violation, include
96 instructions for the proper sorting of recyclables from refuse, state that all
97 single-family houses and multifamily facilities from which the City collects
98 refuse must participate in the recycling program and inform the person
99 responsible for the violation and for subsequent violations of the penalty. The
100 warning notice shall be personally delivered to the person responsible for the
101 violation, attached to the recycling bin or mailed to the address where the
102 violation occurred.

103 3. Third Violation. The refuse shall not be collected on the date of the
104 violation and the City Manager shall issue a citation for a municipal infraction
105 to the person responsible.

106 **Section 2.6 Multifamily facilities—fees**

107 A. Fee schedule. Multifamily facilities with 2 through 12 dwelling units: no
108 fee for the first dwelling unit and, effective January 1, 2016, \$143.00 for each
109 additional dwelling unit. On January 1st of each year thereafter, the fee for units
110 2 through 12 shall increase by an amount equal to the percent change in the
111 Consumer Price Index (“CPI-U”), or any successor or replacement to this CPI,
112 rounded to the nearest dollar. All annual computations shall be based on the prior
113 nonrounded figures; only the fee charged shall be rounded. The percent change in
114 the CPI-U shall be computed for the 12-month period ending in September of
115 each year from the average CPI-U for the 12-month period ending in September
116 of the previous year. If there is no increase in the CPI-U, then the collection fee
117 shall remain the same.

118 B. Unpaid fees. The City may proceed with the collection of unpaid fees in the
119 manner provided by law for the collection of delinquent taxes.

120 C. Cancellation of City collection. The person responsible must notify the Finance
121 Office in writing of the intent to end City collection and dispose of refuse and
122 recycling by private means at least 15 days prior to the due date of City refuse and
123 recycling collection fees.

124 **Part 3. Multifamily Facilities with Private Collection**

125 **Section 3.1 Annual report**

126 A. The person responsible that contracts with a licensed collector to provide recycling
127 collection service to their property shall file an annual report on the form attached
128 to these regulations as Appendix C with all supporting documentation by July 1,
129 2016 and July 1 of every year thereafter.

130 B. The person responsible shall maintain and, upon request by the City manager,
131 produce proof of a valid and current contract with a licensed collector and a copy
132 of the collector's license or one year of receipts for delivery of recycled material.

133 **Section 3.2 Posting of notice to residents**

134 The person responsible shall post notice of the City's recycling policies where common
135 refuse and recycling bins are located. The required notice is attached to these regulations
136 as Appendix D.

137 **Part 4. Business Recycling**

138 **Section 4.1 Bins**

139 A. Commercial property owners must make adequate common recycling
140 collection bins available to their tenants.

141 B. All recyclable materials shall be placed in an appropriate industry-
142 standard bin. All bins shall be kept in a safe, accessible location.

143 **Section 4.2 Businesses responsible for sorting**

144 Businesses are responsible for ensuring their employees recycle and must separate refuse
145 and recyclables generated on their premises.

146 [SEE DRAFT APPENDICES A AND D BELOW]

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APPENDIX A
[Notice to Residents where City Collects]

Notice of Mandatory Recycling

City of Takoma Park law requires all residents to separate their trash and recycling. Failure to separate the recycling from the trash for your unit may result in a municipal fine. For tenants, failure to separate trash and recycling constitutes a breach of your lease, which is grounds for termination of your tenancy. For condominium owners, failure to separate trash and recycling constitutes a violation of the condominium association's rules, which may subject you to penalties in accordance with the association's bylaws.

Instructions for Recycling

Paper and Cardboard

The following paper materials must be recycled: white paper, colored paper, corrugated cardboard, boxboard, newspapers and inserts, magazines, catalogs, telephone directories, paperback books, and envelopes with or without plastic or glassine windows.

Paper must be dry and not soiled with food or other materials. If it is wet or soiled, place in trash.

Place all paper in a paper bag or tie into a bundle and place in the recycling bin.

Cardboard boxes must be broken down and secured from blowing away.

Bottles and Cans

The following materials must be emptied, rinsed and placed in recycling bin:

- aluminum cans
- foil products
- bi-metal cans
- glass bottles
- glass jars
- plastic narrow neck bottles
- plastic containers marked with the universal recyclable symbol # 1 - #5 ♻️, except for polystyrene plastic, which is # 6, ♻️.

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APPENDIX D
[Notice to Residents with Private Collection]

Notice of Mandatory Recycling

City of Takoma Park law requires all residents to separate their trash and recycling. Failure to separate the recycling from the trash for your unit may result in a municipal fine. For tenants, failure to separate trash and recycling constitutes a breach of your lease, which is grounds for termination of your tenancy. For condominium owners, failure to separate trash and recycling constitutes a violation of the condominium association's rules, which may subject you to penalties in accordance with the association's bylaws.

Residents must adhere to the recycling instructions provided by the property manager or refuse and recycling collector.