

Regular Meeting

Agenda Item #	2
Meeting Date	July 27, 2015
Prepared By	Kenneth Sigman Assistant City Attorney
Approved By	Suzanne R. Ludlow City Manager

Discussion Item	Proposed Ordinance Amending the Takoma Park Code to Require Business and Institutional Recycling and Revising the Requirements for Residential Single Family and Multifamily Recycling
Background	<p>The proposed ordinance includes the comprehensive amendment of Title 10, Refuse, of the City Code that modernizes the City’s residential recycling requirements and implements a business and institutional recycling requirement. It also amends the Housing Chapter to clarify that tenants are required to recycle. If adopted, the effective date of the amendments would be January 1, 2016.</p> <p>The City has been collecting recyclables since 1989. Beginning in 1993 and phased in through 1995, licensees and owners of all multifamily dwellings that did not receive City collection were required to provide an opportunity for tenants to recycle. The draft ordinance updates the refuse and recycling sections of the City Code.</p> <p>Changes to residential recycling requirements include an updated list of recyclable materials, an authorization for the City Manager to identify additional recyclable materials via administrative regulation, and a mandate that residents of multifamily facilities participate in recycling. The proposal also ties increases in the City’s fee for residential trash and recycling collection to the Consumer Price Index.</p> <p>The proposal requires that businesses and institutions separate trash and recyclable materials and arrange for collection by a licensed contractor. This requirement parallels Montgomery County’s business recycling requirement, which is not applicable in municipalities.</p> <p>If the ordinance is adopted, many of the refuse and recycling provisions will be moved from the City Code to administrative regulations. Once prepared, notice of the proposed regulations will be published in the Takoma Park Newsletter, posted online, and sent to landlords and agents of multifamily residential facilities.</p> <p>The ordinance has been revised since the first reading to correct grammatical issues and to remove references to “yard waste” in the recycling provisions and to prohibit the placement of yard waste in refuse and recycling collection bins. The revisions are highlighted in the proposed ordinance.</p>
Policy	The City seeks to further environmental sustainability and protect the public health.
Fiscal Impact	Unknown at this time.
Attachments	<ul style="list-style-type: none"> • Draft ordinance amending the Takoma Park Code • Provisions to be moved from the Code to administrative regulations • Time Line for Adoption of Administrative Regulations

Recommendation	Vote on the proposed ordinance at second reading.
Special Consideration	

Introduced by: Councilmember Male

First Reading: July 20, 2015

Second Reading:

Effective Date:

CITY OF TAKOMA PARK, MARYLAND

ORDINANCE 2015-33

**AMENDING THE *TAKOMA PARK CODE* TITLE 10. REFUSE, AND TITLE 6,
HOUSING, TO MODERNIZE THE CITY'S RESIDENTIAL RECYCLING
POLICIES AND REQUIRE BUSINESSES TO RECYCLE**

WHEREAS, Takoma Park instituted a residential recycling program in 1989, and has not made comprehensive amendments to its program since then; and

WHEREAS, Takoma Park has not yet instituted a business recycling program; and

WHEREAS, business recycling is common throughout the region and mandated in unincorporated areas of Montgomery County; and

WHEREAS, business recycling will reduce the amount of waste transported to landfills, which is consistent with the City's policy of environmental sustainability.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

SECTION 1. Title 10, Refuse, of the *Takoma Park Code* is amended as follows:

Chapter 10.04
GENERAL PROVISIONS

Sections:

10.04.010 Definitions.

10.04.020 Inspections by City Manager.

10.04.030 Rules, regulations, and determination of violations.

10.04.040 Recycling mandatory.

10.04.010 Definitions.

As used in this chapter, subject to such extensions as may be given to any of these definitions in regulations adopted under this chapter:

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

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

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

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

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

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

52 “Recyclable materials” include mixed paper, commingled materials, and other items
53 designated by City regulation. Recyclable materials do not include polystyrene (plastic
54 #6).

55 “Yard waste” includes grass clippings, plant cuttings, brush and branches, less than three
56 inches in diameter, and leaves.

57 **10.04.020 Inspections by City Manager.**.....

58 The City Manager is authorized to make all inspections as are necessary to determine
59 compliance with the terms of this title. No person shall interfere in any manner with such
60 inspections. A violation of this section is a Class B offense.

61 **10.04.030 Rules, regulations, and determination of violations.**

62 A. The City Manager shall prepare such regulations and recommend such policies as
63 may be necessary to effect the collection and disposal of refuse, recycling, and dead
64 animals. These regulations and policies shall have the same effect as though set forth in
65 this title. Such regulations may include collection data reporting requirements for
66 business and multifamily facilities and the establishment of additional recyclable
67 materials.

68 B. In the preservation of health, safety and general welfare, the City Manager shall
69 determine if any provisions of this title have been violated. In the event that any such
70 violations exist, the City Manager shall send a copy of the section or sections with a copy
71 of the municipal infraction in accordance with Section 10.28.010.

72 **10.04.040 Recycling mandatory.**

73 All residents, occupants, and businesses, and employees must separate refuse and
74 recyclable materials and place refuse and recyclables in appropriate bins for collection.

75 **Chapter 10.08**
76 **CITY COLLECTION OF RESIDENTIAL REFUSE, RECYCLABLES, AND**
77 **COMPOSTABLES**

78 Sections:

79 10.08.010 Residential properties eligible for City collection.

80 10.08.020 Refuse bins.

81 10.08.030 Location of refuse bins for collection.

82 10.08.040 Interference with collection.

83 10.08.050 City Collection of recyclable materials.

84 10.08.060 Materials prohibited in collection receptacles.

85 10.08.070 Multifamily facilities—refuse and recycling fee schedule.

86 10.08.080 Authority to require refuse disposal.

87 10.08.090 City collection of compostable materials.

88

89 **10.08.010 Residential properties eligible for City collection.**

90 | The City will collect refuse and recyclables from single-family homes. The City will also
91 | collect refuse and recycling and from multifamily facilities with twelve or fewer dwelling
92 | units if, the owner of which elects City collection.

93 | **10.08.020 Refuse bins.**

94 | Where refuse is accumulated, the person responsible shall provide and maintain in good
95 | condition on that premises sufficient bins for the deposit of refuse to contain all refuse
96 | accumulated between collections. Refuse bins shall not have holes, and lids shall fit
97 | properly so as to secure the refuse. A violation of this paragraph is a Class D offense.

98 | **10.08.030 Location of refuse bins for collection.**

99 | The person responsible shall cause the refuse to be placed for collection in a position
100 | easily accessible to the refuse collector or at a point as may be designated by the City
101 | Manager. Violation by a single-family home is a Class D offense. Misplacement of a
102 | trash bin, other than one used by single-family residents, shall be a Class B infraction.

103 | **10.08.040 Interference with collection.**

104 | No person shall interfere in any manner with the collection and disposal of any refuse or
105 | recyclables by the City, its contractors or its agents or employees. A violation of this
106 | section is a Class C offense.

107 | **10.08.050 City Collection of recyclable materials.**

108 | The City Manager shall promulgate regulations regarding City collection of refuse and
109 | recyclables from single-family homes and multifamily facilities. A violation of such
110 | regulations is a Class D offense.

111 | **10.08.060 Materials prohibited in collection receptacles.**

112 | A. No person shall place or cause to be placed in any refuse or recycling bin any
113 | poisons, acids, caustics, explosives or such other waste material as may cause damage to
114 | collection equipment or personal injury to collectors. A violation of this section is a
115 | Class B offense. Contaminated refuse and recycling will not be collected.

116 | B. No person shall place or cause to be placed in any refuse or recycling bin any
117 | grass clippings, plant cuttings, brush, branches, logs, leaves, or organic mulch.

118 **10.08.070 Multifamily facilities—refuse and recycling fee schedule.**
119 The annual fees for collection and disposal of refuse and recyclables shall be established
120 by regulation.

121 **10.08.080 Authority to require refuse disposal.**
122 The City Manager is specifically authorized, in addition to any other authority previously
123 granted, to require persons responsible to dispose of refuse by proper means for the
124 protection of the public health, safety and welfare, even though the City may have
125 discontinued collection service.

126 **10.08.090 City collection of compostable materials.**

127 Reserved.

128 **Chapter 10.12**
129 **PRIVATE COLLECTION FROM MULTIFAMILY FACILITIES**

130 Sections:

131 10.12.010 General.

132 10.12.020 Private collection of refuse at multifamily facilities.

133 10.12.030 Private collection of recyclables at multifamily facilities.

134 10.12.040 Private collection of compostables at multifamily facilities.

135 **10.12.010 General.**

136 A. This Chapter applies to all multifamily facilities with 13 or more units. This Chapter
137 also applies ~~and~~ to multifamily facilities with 12 or fewer units for which, the owners of
138 which do not elect City refuse and recyclable collection.

139 B. The person responsible or an employee of the person responsible must either collect
140 refuse and recyclables from the facility or contract with a licensed collector.

141 **10.12.020 Private collection of refuse at multifamily facilities.**

142 The person responsible must provide refuse collection with sufficient frequency to
143 prevent unsanitary conditions at the property and no less often than once per week. The
144 person responsible must provide sufficient common refuse collection bins to hold the
145 amount of refuse generated by the property between collections.

- 146 **10.12.030 Private collection of recyclables at multifamily facilities.**
147 A. The person responsible for each multifamily facility that does not receive City refuse
148 and recycling collection must facilitate recycling by tenants in each rental unit, including,
149 but not limited to, providing sufficient common recycling bins to hold the amount of
150 recyclable materials generated at the property between collections, collecting recycling at
151 least once per week, making the common recyclable collection bins visible and at least as
152 accessible as common refuse collection bins, and posting notice of the City’s recycling
153 policies in a form approved by City regulation where common refuse and recycling bins
154 are located.
- 155 B. Proof of participation in recycling program. The responsible parties of multifamily
156 facilities that do not receive City recyclable collection shall file a report certifying
157 compliance with this section on a form provided by the City by July 1, 2016. Thereafter,
158 the person responsible must file its certification report annually by July 1. Multifamily
159 facility owners must maintain and, upon request by City Manager, produce proof of a
160 valid and current contract with a licensed collector and a copy of the collector’s license or
161 one year’s receipts for delivery of recyclable materials to a licensed recycling facility.
- 162 C. Failure to comply with any of the requirements in this section shall constitute a Class
163 C offense and may be levied on a per-day, per-unit basis.

164 **10.12.040 Private collection of compostables at multifamily facilities.**
165 Reserved.

166

167 **Chapter 10.14**
168 **BUSINESS RECYCLING AND COMPOSTING**

169 Sections:

- 170 10.14.010 Business recycling.
171 10.14.020 Businesses—Refuse and recyclables prohibited in public bins.
172 10.14.030 Business compostable collection.

173 **10.14.010 Business Recycling.**
.....

174 A. This section shall apply to businesses and commercial property owners. Beginning
175 January 1, 2016, all businesses shall recycle all the following:

176 1. recyclable materials.

177 2. yard waste

178 B. Businesses or their commercial property owner must utilize a licensed collector to
179 collect recyclable materials.

180 **10.14.020 Businesses—Refuse and recyclables prohibited in public bins.**.....

181 No business shall place any refuse or recyclables generated from the conduct of business
182 in any refuse bin provided by the City for the public in the public right-of-way. A
183 violation of this section is a Class B offense.

184 **10.14.030 Business compostable collection.**.....

185 Reserved.

186 **Chapter 10.04**
187 **GENERAL PROVISIONS**

188 **Sections:**

189 10.04.010—Definitions.

190 10.04.020—Inspections by Director of Public Works.

191 10.04.030—Rules, regulations and determination of violations.

192 **10.04.010 Definitions.**.....

193 As used in this chapter, subject to such extensions as may be given to any of these
194 definitions under Section 10.04.030 of this chapter:

195 A. With respect to refuse discarded from a building or structure used solely for ordinary
196 residential use, the term “Class 1”:

197 “Ashes” includes all residue resulting from the burning of coal or wood for fuel and other
198 ash deposits from incinerators and/or outdoor fireplaces.

199 ~~“Dry refuse” includes all inorganic combustible waste material discarded from within a~~
200 ~~house or other structure, except items of furniture, fixtures or waste material resulting~~
201 ~~from the repair or alterations of any building or other structure.~~

202 ~~“Food waste” includes all organic animal or vegetable matter resulting from the handling,~~
203 ~~preparation or cooking of food for home consumption.~~

204 ~~“Glass” is defined as broken glass in any form and/or bottles.~~

205 ~~“Miscellaneous refuse” includes all inorganic noncombustible waste material discarded~~
206 ~~incident to the ordinary conduct of the dwelling or structure and not otherwise defined in~~
207 ~~this chapter, except glass.~~

208 ~~“Recyclable materials” includes newspaper, glass bottles and jars, aluminum cans, tin-~~
209 ~~plated steel food and beverage cans, corrugated cardboard and other items designated by~~
210 ~~the Director of Public Works intended to be discarded by persons who receive City refuse~~
211 ~~collection services.~~

212 ~~“Special collection materials” includes heavy or bulky items, such as furniture, rugs,~~
213 ~~doors, screens or other household discards not to be collected on regular household refuse~~
214 ~~collection days, and excluding yard waste and metal appliances.~~

215 ~~“Yard waste” includes grass clippings, plant cuttings, brush and branches, less than 3~~
216 ~~inches in diameter, and leaves.~~

217 ~~B.—With respect to refuse from commercial establishments or other premises not used~~
218 ~~solely for ordinary residential use, the term “Class 2”:~~

219 ~~“Ashes, glass, miscellaneous and yard waste” shall have the same meanings as defined~~
220 ~~for Class 1 refuse.~~

221 ~~“Dry refuse” includes all organic combustible waste material discarded from the premises~~
222 ~~in the ordinary conduct of the business or establishment, but shall not include waste~~
223 ~~material resulting from the repair or alterations of the building or structure.~~

224 ~~“Food waste” includes all organic animal or vegetable waste resulting from the handling,~~
225 ~~preparation, storage, cooking or transportation of food for human and animal~~
226 ~~consumption.~~

227 ~~C.—With respect to refuse from any premises, the term:~~

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

229 ~~“Household furniture” means furniture designed and constructed specifically for use~~
230 ~~inside a house or office.~~

231 ~~“Noncollectible waste” includes poisons, acids, caustics, explosives and such other waste~~
232 ~~material as may cause damage to collection equipment or personal injury to collectors.~~

233 ~~“Person responsible” means property owner, property manager or occupant.~~

234 **10.04.020 Inspections by Director of Public Works.**

235 ~~The Director of Public Works is authorized to make all inspections as are necessary to~~
236 ~~determine compliance with the terms of this title. No person shall interfere in any manner~~
237 ~~with such inspections. A violation of this section is a Class B offense.~~

238 **10.04.030 Rules, regulations and determination of violations.**

239 ~~A.—The Director of Public Works shall prepare such regulations and recommend such~~
240 ~~policies as may be necessary to effect the collection and disposal of refuse and dead~~
241 ~~animals. These regulations and policies, when approved by the Mayor and Council, shall~~
242 ~~have the same effect as though set forth in this title.~~

243 ~~B.—In the preservation of health, safety and general welfare, the Director of Public~~
244 ~~Works or the Director’s representative shall determine if any provisions of this title have~~
245 ~~been violated. In the event that any such violations exist, the Director of Public Works or~~
246 ~~the Director’s representative shall send a copy of the section or sections with a copy of~~
247 ~~the municipal infraction in accordance with Section 10.28.010.~~

248 ~~C.—The Assistant Director of Housing or his or her designee may serve as the Director’s~~
249 ~~representative for the purpose of enforcement of the provisions of this title.~~

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Chapter 10.08
COLLECTION OF REFUSE

253 Sections:

- 254 10.08.010 — Collection during icy and snowy weather.
- 255 10.08.020 — Confinement of animals during refuse collection.
- 256 10.08.030 — Refuse receptacles required.
- 257 10.08.040 — Location of refuse containers for collection.
- 258 10.08.050 — Placement of refuse receptacles in public way.
- 259 10.08.060 — Interference with refuse collection.
- 260 10.08.070 — Commercial establishments — Refuse prohibited in public containers.
- 261 10.08.080 — Collection of recyclable materials.
- 262 10.08.090 — Excreta prohibited in collection receptacles.

263 **10.08.010 Collection during icy and snowy weather.**

264 The occupants of all premises where refuse is accumulated shall, in icy and snowy
265 weather, keep the walks, paths, driveways and steps as may be used by the collector in
266 the normal collection of refuse in a condition that will permit the collection to be made
267 without hazard to the collectors. The only penalty for violating this section is that refuse
268 will not be collected.

269 **10.08.020 Confinement of animals during refuse collection.**

270 The occupants of all premises where refuse is accumulated for collection shall, on
271 collection days, securely confine, in a manner that does not interfere with the collectors'
272 duties, any animal capable of inflicting bodily harm upon the collector. The only penalty
273 for violating this section is that refuse will not be collected.

274 **10.08.030 Refuse receptacles required.**

275 A.— Where refuse is accumulated, the person responsible shall provide and maintain in
276 good condition on that premises any receptacle for the deposit of refuse. Refuse
277 receptacles shall not have rusted through areas, tears or fractures, and lids shall fit
278 properly so as to secure the refuse.

279 B.— A violation of this section is a Class D offense.

280 **~~10.08.040 Location of refuse containers for collection.~~**

281 ~~The occupants of all premises where refuse is accumulated shall, after preparing such~~
282 ~~refuse for collection in the manner prescribed in Section [10.04.030](#), cause the refuse to be~~
283 ~~placed for collection in a position easily accessible to the refuse collector or at a point as~~
284 ~~may be designated by the Director of Public Works. Violation by a single family home is~~
285 ~~a Class D offense. Misplacement of a trash container, other than one used by single-~~
286 ~~family residents, shall be a Class B infraction.~~

287 **~~10.08.050 Placement of refuse receptacles in public way.~~**

288 ~~A.— No person shall place refuse receptacles for collection upon any public sidewalks,~~
289 ~~streets, avenues, alleys or other public spaces except for those persons who have obtained~~
290 ~~authorization from the Director of Public Works or the Director’s representative to place~~
291 ~~refuse receptacles on public sidewalks, streets, avenues, alleys or other public spaces.~~

292 ~~B.— Persons who obtain permission to place refuse receptacles for collection upon public~~
293 ~~sidewalks, streets, avenues, alleys or other public spaces shall remove those receptacles~~
294 ~~by 7:00 a.m. in the morning following the day after actual pickup of refuse from those~~
295 ~~containers.~~

296 ~~C.— This section does not apply to collection of recyclable materials under~~
297 ~~Section [10.08.080](#). A violation of this section is a Class D offense.~~

298 **~~10.08.060 Interference with refuse collection.~~**

299 ~~No person shall interfere in any manner with the collection and disposal of any refuse or~~
300 ~~dead animals by the City, its contractors or its agents or employees. A violation of this~~
301 ~~section is a Class C offense.~~

302 **~~10.08.070 Commercial establishments — Refuse prohibited in public containers.~~**

303 ~~No vendor or employee, owner or occupant of any commercial establishment shall place~~
304 ~~for collection, in any refuse container provided by the City, in any public right of way,~~
305 ~~any refuse resulting from the conduct of any business or occupation of the vendor or~~
306 ~~employee, owner or occupant of any commercial establishment. A violation of this~~
307 ~~section is a Class B offense.~~

308 **~~10.08.080 Collection of recyclable materials.~~**

309 A.—~~This section applies to occupants of single family homes and multifamily dwellings~~
310 ~~from which the City collects refuse.~~

311 B.—~~The City or a contractor of the City shall collect recyclable material once a week on~~
312 ~~a day specified by the Director of Public Works. However, recyclable material will not be~~
313 ~~collected on that day if:~~

314 1.—~~Snow or ice has made roadways impassable; or~~

315 2.—~~The day falls on a legal holiday.~~

316 C.—~~A person shall place newspapers, corrugated cardboard and the containers of other~~
317 ~~recyclable material on the public right of way next to the curb. The recyclable material~~
318 ~~shall not interfere with parking or traffic. A person shall not place the recyclables next to~~
319 ~~the curb before 4:00 p.m. the day before the scheduled collection. After being emptied,~~
320 ~~the recycling container shall be removed from the curb by the occupants before 12:00~~
321 ~~midnight the day of collection.~~

322 D.—~~In cases where there is no public right of way next to the curb or the public right of~~
323 ~~way is inadequate, the Director of Public Works shall designate an appropriate place near~~
324 ~~the curb for placement of the recyclables. Examples of these places include the foot of~~
325 ~~driveways, walkways or steps to the house or the edge of the front lawn. The Director~~
326 ~~may designate a single place next to the curb for residents of multifamily dwellings.~~

327 E.—~~A person shall place the newspapers in a paper bag or box or shall tie the newspapers~~
328 ~~in a bundle. A bag, box or bundle shall prevent the newspapers from being blown away~~
329 ~~by the wind. A bag, box or bundle shall not weigh more than 25 pounds.~~

330 F.—~~Corrugated cardboard boxes must be broken down, with tape and staples removed,~~
331 ~~and secured in bundles with twine.~~

332 G.—~~The City shall provide a recycling collection container to each residential unit~~
333 ~~required to participate in the recycling program. Residents can receive replacement~~
334 ~~containers from the City if theirs is lost or stolen.~~

335 H.—~~The recycling container is the property of the City. The recycling container is to~~
336 ~~remain at each residential unit to which it was given. Residents who move into the City~~

337 after the program has begun may receive use of another recycling container if the
338 container was not left with the property.

339 I.—A person shall place all recyclable material except newspaper and cardboard in the
340 collection container provided to residents by the City. Glass bottles and jars, aluminum
341 cans and tin-plated steel cans should be emptied and cleaned before being placed in the
342 recycling container.

343 J.—The Director of Public Works may designate additional material for residents to
344 include in the recycling program.

345 K.—A person shall not use the recycling collection container for any other use except the
346 storing of recyclable items prior to collection.

347 L.—Except for the City, its contractor or the person who placed the recyclable material
348 next to the curb, a person shall not collect recyclable materials that have been placed next
349 to the curb.

350 M.—A violation of this section is a Class D offense.

351 1.—Before issuing a citation for a municipal infraction, warning notices shall be
352 given to the person responsible as follows:

353 a.—First Violation. The Director of Public Works or the Director's
354 representative shall issue a warning notice to the person responsible.

355 b.—Second Violation. The refuse shall not be collected on the date of the
356 violation and the Director of Public Works or the Director's representative
357 shall issue a second warning notice to the person responsible. The warning
358 notice shall describe the violation, include instructions for the proper sorting of
359 recyclables from refuse, state that all single-family houses and multifamily
360 dwellings from which the City collects refuse must participate in the recycling
361 program and inform the person responsible for the violation and for
362 subsequent violations of the penalty. The warning notice shall be personally
363 delivered to the person responsible for the violation, attached to the recycling
364 container or mailed to the address where the violation occurred.

365 e.—~~Third Violation. The refuse shall not be collected on the date of the~~
366 ~~violation and the Director of Public Works or the Director’s representative~~
367 ~~shall issue a citation for a municipal infraction to the person responsible.~~

368 N.—~~No citations for municipal infractions for violations of this section shall be issued~~
369 ~~prior to 6 months after the effective date of Ordinance No. 1989-4.~~

370 ~~**10.08.090 Excreta prohibited in collection receptacles.**~~

371 ~~No person shall place or cause to be placed in any receptacle provided for the collection~~
372 ~~of refuse any human excreta or any article or substance soiled by human or animal~~
373 ~~excreta. A violation of this section is a Class B offense. Refuse will not be collected.~~

374

375 **Chapter 10.12**
376 **MULTIFAMILY UNIT REFUSE COLLECTION**

377 Sections:

- 378 10.12.010 — ~~Multiple family unit refuse collection regulations.~~
- 379 10.12.020 — ~~Refuse regulations applicable to multifamily units.~~
- 380 10.12.030 — ~~Multifamily dwelling units refuse and recycling fee schedule.~~
- 381 10.12.040 — ~~Multifamily unit refuse collection fee date — Delinquent accounts.~~
- 382 10.12.050 — ~~Construction of multiple family units — Prorated fee.~~
- 383 10.12.060 — ~~Service stoppage — Unpaid charges.~~
- 384 10.12.070 — ~~Notification of Clerk — Treasurer by Director of Public Works.~~
- 385 10.12.080 — ~~Authority to require refuse disposal.~~
- 386 10.12.090 — ~~Multifamily unit recycling collection regulations.~~

387 ~~**10.12.010 Multiple family unit refuse collection regulations.**~~

388 ~~All refuse accumulated by the occupants of multiple family units shall be collected,~~
389 ~~conveyed and disposed of by the City, subject to provisions as follows:~~

390 A.—~~This chapter shall not prohibit the actual producers of refuse, or the owners of~~
391 ~~premises upon which refuse has accumulated, from personally collecting, conveying and~~
392 ~~disposing of such refuse by means of private or commercial refuse collectors.~~

393 ~~B.— Multiple family dwellings equipped with a central incinerator unit which has been~~
394 ~~officially approved by the Fire Marshal and which is operated in accordance with the Fire~~
395 ~~Prevention Code shall be exempt from the provisions of~~
396 ~~Sections 10.12.030 through 10.12.060 of this chapter.~~

397 ~~C.— It shall be the responsibility of the owner, agent or manager of a multiple family~~
398 ~~dwelling to notify the Director of Public Works in writing of the intent to dispose of~~
399 ~~refuse by private means at least 15 days prior to the due date of fees as scheduled in~~
400 ~~Sections 10.12.030 through 10.12.060 of this chapter.~~

401 ~~D.— Private means as stipulated in subsections (A) and (C) of this section shall be subject~~
402 ~~to the approval of the Director of Public Works as related to the public health, safety and~~
403 ~~welfare.~~

404 ~~E.— Any fees accrued for prior service shall be subject to delinquent account procedure~~
405 ~~as stipulated in Section 10.12.070.~~

406 ~~**10.12.020 Refuse regulations applicable to multifamily units.**~~

407 ~~Separation of refuse, preparation of refuse and refuse containers provided by owners,~~
408 ~~tenants, lessees or occupants of the multifamily unit premises shall comply with all~~
409 ~~ordinances and regulations of the City presently in effect and to become effective in the~~
410 ~~future, except for Section 10.08.080, if the City does not collect refuse from the premises.~~

411 ~~**10.12.030 Multifamily dwelling units refuse and recycling fee schedule.**~~

412 ~~The annual fees for collection and disposal of refuse and recyclables placed for collection~~
413 ~~at the ground level outside the multifamily dwelling in a position easily accessible to the~~
414 ~~sanitation personnel or at any point as may be designated by the Director of Public Works~~
415 ~~and not more than 100' feet distant from the side of the street or alley from which the~~
416 ~~collection is to be made shall be as follows:~~

417 ~~Multifamily dwellings with 2 through 12 dwelling units: no fee for the first dwelling unit~~
418 ~~and \$143.00 for each additional dwelling unit~~

419 ~~**10.12.040 Multifamily unit refuse collection fee date—Delinquent accounts.**~~

420 A.—All fees chargeable under Section 10.12.030 shall be due semiannually on July 1st
421 and January 1st of each year.

422 B.—All accounts shall be considered delinquent if not paid within 30 days of the due
423 date. All delinquent accounts are subject to a late penalty charge of 10% of the amount
424 due.

425 C.—If a delinquent account is not paid within the 30-day grace period after the due date,
426 the Clerk-Treasurer shall so certify to the Director of Public Works who shall cease all
427 refuse collections for that dwelling unless directed otherwise by the Chairperson of the
428 Public Welfare Committee of the Council.

429 **~~10.12.050 Construction of multiple-family units—Prorated fee.~~**

430 Multiple-family units constructed after June 22, 1964, shall have the fees authorized by
431 this chapter prorated from the date refuse collection service is commenced to the next
432 semiannual due date established by this chapter.

433 **~~10.12.060 Service stoppage—Unpaid charges.~~**

434 The stoppage of service as authorized under Section 10.12.040 for nonpayment of
435 collection charges shall be in addition to the right of the City to proceed for the collection
436 of the unpaid charges in a manner provided by law for the collection of delinquent taxes.

437 **~~10.12.070 Notification of Clerk—Treasurer by Director of Public Works.~~**

438 The Director of Public Works shall certify to the Clerk-Treasurer 30 days in advance of
439 the due date as specified in Section 10.12.040 the number of units to be charged at each
440 specific location, furnishing the name and address of the person owning or operating the
441 dwelling.

442 **~~10.12.080 Authority to require refuse disposal.~~**

443 The Director of Public Works is specifically authorized, in addition to any other authority
444 previously granted, to require the owner, agent, manager or occupants of multiple-family
445 dwellings to dispose of refuse by proper means for the protection of the public health,
446 safety and welfare, even though the service may have been discontinued by the Sanitation
447 Division.

448 **~~10.12.090 Multifamily unit recycling collection regulations.~~**

449 A.—~~By May 1, 1993, licensees and owners of all multifamily dwellings which do not~~
450 ~~receive City refuse collection must provide an opportunity for tenants in each rental unit~~
451 ~~to recycle materials pursuant to the requirements set forth in this section.~~

452 B.—~~Recycling programs in multifamily dwellings that do not have City refuse and~~
453 ~~recyclable collection must include at least 2 of the recyclable material groups designated~~
454 ~~in subsection (C) of this section by May 1, 1993; 4 of said designated recyclable material~~
455 ~~groups by May 1, 1994; and all of said designated recyclable material groups by May 1,~~
456 ~~1995.~~

457 C.—~~The recyclable material groups covered by this section included:~~

458 1.—~~Aluminum and tin-plated steel food and beverage cans;~~

459 2.—~~Appliances;~~

460 3.—~~Corrugated cardboard;~~

461 4.—~~Glass bottles and jars;~~

462 5.—~~Newspapers;~~

463 6.—~~Other paper;~~

464 7.—~~Plastic bottles.~~

465 D.—~~The licensee or owner of each multifamily dwelling which does not have City refuse~~
466 ~~and recycling collection shall complete a recycling plan for multifamily dwellings, on a~~
467 ~~form developed by and available from the Director of Public Works. A recycling plan~~
468 ~~must be submitted to the Director of Public Works or the Director's designee no later~~
469 ~~than 3 months prior to each of the implementation deadlines set forth in subsection (B) of~~
470 ~~this section.~~

471 E.—~~The licensee or owner of a multifamily dwelling which does not have City refuse~~
472 ~~and recycling collection may request technical assistance from the Director of Public~~

473 ~~Works or the Director's designee for the completion of a recycling plan for multifamily~~
474 ~~dwelling and/or the implementation of a recycling program.~~

475 ~~F. The Director of Public Works is authorized to extend any date of compliance~~
476 ~~designated in subsection (B) of this section if the licensee or owner requests an extension~~
477 ~~prior to the applicable date of compliance and demonstrates that he or she, despite best~~
478 ~~efforts, cannot comply with the requirements set forth in this section.~~

479 ~~G. Failure to comply with any of the requirements in this section shall constitute a~~
480 ~~Class C offense and may be levied on a per day, per unit basis.~~

481
482 **SECTION 2.** Title 6, Housing, of the *Takoma Park Code* is amended as follows:
483

484 **Chapter 6.16**
485 **LANDLORD-TENANT RELATIONS**

486 **6.16.060 Lease requirements.**

487 All leases shall:

488 * * *

489 Require the tenant to separate refuse and recyclable materials and place refuse and
490 recyclables in appropriate bins for collection.

491 **6.16.040 Obligations of tenants.**

492 All tenants, members of the tenant's household, housemates, and any person on the
493 premises with a tenant's permission shall:

494 * * *

495 C. Separate refuse and recyclable materials, place refuse and recyclables in appropriate
496 bins for collection, and ~~Dispose of all rubbish, garbage, refuse, recyclables, and as~~
497 required and other organic and flammable waste from the rental unit in a clean and
498 sanitary manner;

499 **AND BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA**

500 **PARK, MARYLAND:**

501

502 This Ordinance will be effective January 1, 2016.

503

504 ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,
505 THIS XX DAY OF XX, 2014, BY ROLL-CALL VOTE AS FOLLOWS:

506

507 AYE:

508

509 NAY:

510

511 ABSENT:

512

513 ABSTAIN:

514

515 NOTE: Amendments to the Ordinance between first and second reading are highlighted.

REFUSE AND RECYCLING ORDINANCE

CONTENT FOR REGULATIONS

July 20, 2015

The following provisions previously included in the proposed Ordinance will be incorporated in regulations to be prepared prior to the effective date of the Ordinance.

This document is being provided for informational purposes only. The City Council's approval of Ordinance No. _____ does not constitute approval of the provisions included in this document. Following enactment of the ordinance, staff and the City Attorney's Office will prepare formal regulations that address these issues and any additional issues necessary to implement the ordinance.

Definitions

"Director" means the Director of Public Works or his or her designee.

Collection during icy and snowy weather.

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

Confinement of animals during refuse and recyclable collection.

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

Special Collections

Special collection materials. Persons responsible shall schedule the collection of heavy or bulky items household items such as furniture, rugs, doors, and exercise equipment before placing them out for collection, shall not put them out for collection until 7:00 pm

on the day before the collection, and shall be responsible for paying a special collection fee.

City Collection of recyclable materials.

B. The City or a contractor of the City shall collect recyclable material once a week on a day specified by the City Manager. However, recyclable material will not be collected on that day if:

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

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

D. Corrugated cardboard boxes must be broken down and secured from blowing away.

E. The City shall provide a recycling collection bin to each residential unit required to participate in the recycling program. Residents can receive replacement bins from the City if theirs is lost or stolen.

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

G. A person shall place all recyclable material except newspaper and cardboard in the collection bin provided to residents by the City or any other clearly identifiable recycling bin of a size approved by the City Manager. Comingled materials should be emptied and cleaned before being placed in the recycling bin.

H. The City Manager may designate additional material to be recycled.

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

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

K. Violations.

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

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

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

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

Multifamily facilities—refuse and recycling fee schedule.

Multifamily facilities with 2 through 12 dwelling units: no fee for the first dwelling unit and, effective January 1, 2016, \$143.00 for each additional dwelling unit. On January 1st of each year thereafter, the fee for units 2 through 12 shall increase by an amount equal to the percent change in the Consumer Price Index

("CPI-U"), or any successor or replacement to this CPI, rounded to the nearest dollar. All annual computations shall be based on the prior nonrounded figures; only the fee charged shall be rounded. The percent change in the CPI-U shall be computed for the 12-month period ending in September of each year from the average CPI-U for the 12-month period ending in September of the previous year. If there is no increase in the CPI-U, then the collection fee shall remain the same.

10.08.100 Unpaid fees.

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

C. Cancellation of City collection. The person responsible must notify the Public Works Director in writing of the intent to end City collection and dispose of refuse and recycling by private means at least 15 days prior to the due date of City refuse and recycling collection fees.

Business Recycling.

C. Commercial property owners must make adequate common recycling collection bins available to their tenants.

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

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

F. Proof of participation in recycling program.

1. Commercial Property Owners. Commercial property owners that contract with a licensed collector to provide recyclable collection service for their business or tenants shall file a report on a form provided by the

City by July 1, 2016, and by July 1 of every year thereafter identifying the businesses for which they provide recyclable collection and certifying compliance with this section. Commercial property owners shall maintain and, upon request by the City Manager or his or her designee, produce proof of a valid and current contract with a licensed collector and a copy of the collector's license and proof of payment of twelve months' collection fees.

2. **Businesses.** Businesses that contract with a licensed collector shall file a report on a form provided by the City by January 1, 2016, and by January 1 of every odd numbered year thereafter, certifying compliance with this section. Such businesses shall maintain and, upon request by the City Manager or his or her designee, produce proof of a valid and current contract with a licensed collector, a copy of the collector's license, and proof of payment of twelve months' collection fees. Businesses whose commercial property owner provides recyclable collection service are responsible for ensuring that their property owner files the certification required by paragraph 1 of this subsection.

Time Line for Recycling Code Administrative Regulations

- Regulations drafted August/September
- Regulations issued to Council at least one week before publication in the October Newsletter.
- Publication of Notice in October 2015 Newsletter. Minimum comment period of 30 days.*
- Notice of Final Action in December 2015 Newsletter
- Regulations Effective in December 2015 (at least 21 days after the notice of final regulation)*

If Council directs a longer period for public comment, elects to hold a public hearing on the proposed regulation, or modifies or withdraws the final regulation, the process may need to be extended into 2016.