

Introduced by: Councilmember Male

First Reading: July 20, 2015

Second Reading: July 27, 2015

Effective Date: January 1, 2016

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:

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

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

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

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

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

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

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

10.04.020 Inspections by City Manager......

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

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

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

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

10.04.040 Recycling mandatory.

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

Chapter 10.08
CITY COLLECTION OF RESIDENTIAL REFUSE, RECYCLABLES, AND
COMPOSTABLES

Sections:

10.08.010 Residential properties eligible for City collection.

10.08.020 Refuse bins.

10.08.030 Location of refuse bins for collection.

10.08.040 Interference with collection.

10.08.050 City Collection of recyclable materials.

10.08.060 Materials prohibited in collection receptacles.

10.08.070 Multifamily facilities—refuse and recycling fee schedule.

10.08.080 Authority to require refuse disposal.

10.08.090 City collection of compostable materials.

10.08.010 Residential properties eligible for City collection.

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

10.08.020 Refuse bins.

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

10.08.030 Location of refuse bins for collection.

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

10.08.040 Interference with collection.

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

10.08.050 City Collection of recyclable materials.

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

10.08.060 Materials prohibited in collection receptacles.

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

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

10.08.070 Multifamily facilities—refuse and recycling fee schedule.

The annual fees for collection and disposal of refuse and recyclables shall be established by regulation.

10.08.080 Authority to require refuse disposal.

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

10.08.090 City collection of compostable materials.

Reserved.

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.

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.

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.

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 1. 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.

10.12.040 Private collection of compostables at multifamily facilities......

Reserved.

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 owner must utilize a licensed collector to collect recyclable materials.

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.

10.14.030 Business compostable collection.

Reserved.

**Chapter 10.04
GENERAL PROVISIONS**

Sections:

10.04.010—Definitions.

10.04.020—Inspections by Director of Public Works.

10.04.030—Rules, regulations and determination of violations.

10.04.010 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~10.04.020 Inspections by Director of Public Works.~~

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

~~10.04.030 Rules, regulations and determination of violations.~~

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

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

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

**Chapter 10.08
COLLECTION OF REFUSE**

Sections:

- ~~10.08.010—Collection during icy and snowy weather.~~
- ~~10.08.020—Confinement of animals during refuse collection.~~
- ~~10.08.030—Refuse receptacles required.~~
- ~~10.08.040—Location of refuse containers for collection.~~
- ~~10.08.050—Placement of refuse receptacles in public way.~~

~~10.08.060 — Interference with refuse collection.~~

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

~~10.08.080 — Collection of recyclable materials.~~

~~10.08.090 — Excreta prohibited in collection receptacles.~~

~~10.08.010 Collection during icy and snowy weather.~~

~~The occupants of all premises where refuse is accumulated 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. The only penalty for violating this section is that refuse will not be collected.~~

~~10.08.020 Confinement of animals during refuse collection.~~

~~The occupants of all premises where refuse is accumulated for collection 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. The only penalty for violating this section is that refuse will not be collected.~~

~~10.08.030 Refuse receptacles required.~~

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

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

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

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

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

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

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

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

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

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

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

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

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

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

~~B.— The City or a contractor of the City shall collect recyclable material once a week on a day specified by the Director of Public Works. 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.— A person shall place newspapers, corrugated cardboard and the containers of other recyclable material on the public right of way next to the curb. The recyclable material shall not interfere with parking or traffic. A person shall not place the recyclables next to the curb before 4:00 p.m. the day before the scheduled collection. After being emptied, the recycling container shall be removed from the curb by the occupants before 12:00 midnight the day of collection.~~

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

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

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

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

~~H.— The recycling container is the property of the City. The recycling container 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 container if the container was not left with the property.~~

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

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

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

~~L.—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.~~

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

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

~~a.—First Violation. The Director of Public Works or the Director's representative 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 Director of Public Works or the Director's representative 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 dwellings 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 container 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 Director of Public Works or the Director's representative shall issue a citation for a municipal infraction to the person responsible.~~

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

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

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

Chapter 10.12
MULTIFAMILY UNIT REFUSE COLLECTION

Sections:

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

10.12.010 Multiple family unit refuse collection regulations.

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

- A. — This chapter shall not prohibit the actual producers of refuse, or the owners of premises upon which refuse has accumulated, from personally collecting, conveying and disposing of such refuse by means of private or commercial refuse collectors.
- B. — Multiple family dwellings equipped with a central incinerator unit which has been officially approved by the Fire Marshal and which is operated in accordance with the Fire Prevention Code shall be exempt from the provisions of Sections 10.12.030 through 10.12.060 of this chapter.
- C. — It shall be the responsibility of the owner, agent or manager of a multiple family dwelling to notify the Director of Public Works in writing of the intent to dispose of

~~refuse by private means at least 15 days prior to the due date of fees as scheduled in Sections 10.12.030 through 10.12.060 of this chapter.~~

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

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

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

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

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

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

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

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

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

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

~~C.—If a delinquent account is not paid within the 30-day grace period after the due date, the Clerk-Treasurer shall so certify to the Director of Public Works who shall cease all~~

~~refuse collections for that dwelling unless directed otherwise by the Chairperson of the Public Welfare Committee of the Council.~~

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

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

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

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

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

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

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

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

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

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

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

~~groups by May 1, 1994; and all of said designated recyclable material groups by May 1, 1995.~~

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

- ~~1.—Aluminum and tin-plated steel food and beverage cans;~~
- ~~2.—Appliances;~~
- ~~3.—Corrugated cardboard;~~
- ~~4.—Glass bottles and jars;~~
- ~~5.—Newspapers;~~
- ~~6.—Other paper;~~
- ~~7.—Plastic bottles.~~

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

~~E.—The licensee or owner of a multifamily dwelling which does not have City refuse and recycling collection may request technical assistance from the Director of Public Works or the Director's designee for the completion of a recycling plan for multifamily dwellings and/or the implementation of a recycling program.~~

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

~~G.—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.~~

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

**Chapter 6.16
LANDLORD-TENANT RELATIONS**

6.16.060 Lease requirements.

All leases shall:

* * *

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

6.16.040 Obligations of tenants.

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

* * *

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

AND BE IT RESOLVED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND:

This Ordinance will be effective January 1, 2016.

ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND,
THIS 27TH DAY OF JULY, 2015, BY ROLL-CALL VOTE AS FOLLOWS:

AYE: Williams, Grimes, Male, Stewart, Seamens, Smith, Schultz

NAY: None

ABSENT: None

ABSTAIN: None