

<b>ADMINISTRATIVE REGULATION – No. 2023-2</b>		<b>Page 1 of 11</b>
Subject:	<b>Refuse and Recycling (Takoma Park Code, Ch. 10.04 and 10.08)</b>	
Effective Date:	<b>July 1, 2023</b>	

## **ADMINISTRATIVE REGULATION REFUSE AND RECYCLING**

Pursuant to *Takoma Park Code* Chapters 10.04.030 and 10.08.050, the following Administrative Regulations are hereby promulgated and are to be used in coordination with *Takoma Park Code* Chapter 10, *Refuse*.

### **Section 1 Purpose/Scope**

To provide guidance for compliance with and enforcement of Title 10 of the *Takoma Park Code* as authorized under *Takoma Park Code* Sections 10.04.030 and 10.08.050.

### **Section 2 General Provisions**

#### **Section 2.1 Definitions**

The following terms have the meanings provided in *Takoma Park Code* Section 10.04.010: (i) Business; (ii) Commingled materials; (iii) Dead animal; (iv) Mixed paper; (v) Multifamily facility; (vi) Person responsible; and (vii) Recyclable materials.

“Collection Bin” means a clearly marked, stiff sided container, with a volume of less than thirty (30) gallons with the purpose of containing refuse or recyclable materials prior to their collection.

“Collector” means an individual or entity responsible for the collection of refuse or recyclable materials.

“Director” refers to the Director of the Department of Public Works for the City of Takoma Park.

#### **Section 2.2 Recycling Required**

“Recyclable materials” as defined in *Takoma Park Code* Chapter 10.04.010 must be recycled, which includes the following:

- a. Clean, dry paper and cardboard, including 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;
- b. aluminum cans;
- c. foil products;
- d. bi-metal cans;
- e. glass bottles;

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- f. glass jars;
- g. plastic narrow neck bottles; and
- h. plastic containers marked with the resin identification codes #1 through #5, ♻, except for polystyrene plastic, which is marked with resin identification code #6, ♻.

### **Section 3 Collection of Residential Refuse and Recyclables**

#### **Section 3.1 Conditions Relating to the Collection of Refuse and Recyclables**

- a. Clearing of Ice and Snow from Collector's Path.

The person responsible shall, in icy and snowy conditions, keep all walks, paths, driveways and steps, that may be used by the collector in the normal collection of refuse and recyclable materials, in a condition that will permit the collection of refuse and recyclables without hazard to collectors. If this Subsection is violated, recycling and refuse shall not be collected from such a property until the snow or ice hazard is gone.

- b. Confinement of Animals During Collection

The person responsible shall, on collection days, securely confine, in a manner that does not interfere with a collectors' duties, any animal capable of inflicting bodily harm upon the collector. If this section is violated, recycling and refuse shall not be collected from such a property until said animal is secure.

- c. Placement of Refuse and Recyclable Material Collection Bins

No person shall place collection bins upon any public sidewalks, streets, avenues, alleys, or other public spaces except for those who have obtained authorization from the Director to place collection bins on public sidewalks, streets, avenues, alleys, or other public spaces.

Persons to whom the Director grants permission to place collection bins upon public sidewalks, streets, avenues, alleys, or other public spaces shall remove those collection bins by 9:00 p.m. of the day of actual pickup of refuse and recycling from such collection bins.

- d. Placement of Recyclable Materials

The person responsible shall place all newspaper, corrugated cardboard, and collection bins containing other recyclable materials 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 recyclable materials next to the curb before 6:00 p.m. on the day before collection is scheduled. After the recyclable

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materials are collected, the collection bin shall be removed from the curb by the occupants before 9:00 p.m. on the day they are collected.

In cases where there is no public right-of-way next to the curb or the public right-of-way is inadequate, the Director shall designate an appropriate place near the curb for the placement of recyclable materials. Examples of these places include the following: (i) the foot of driveways; (ii) walkways; or (iii) 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. **Securing Recyclable Materials**

1. The person responsible shall ensure that loose mixed paper, including newspapers, are placed in a paper bag or bound together in a bundle using recyclable twine. No such bag, box, or bundle shall weigh in excess of twenty-five pounds (25 lbs.) Any such materials may be placed inside or beside the collection bin. Such a bag or bundle is intended to prevent mixed paper from being blown away by the wind, when they are placed alongside collection bins.
2. Corrugated cardboard boxes must be broken down, with tape and staples removed, and secured in bundles with twine. Any such materials may be placed inside or beside the collection bin. The purpose of bundling corrugated cardboard boxes together is to prevent them from being blown away by the wind, when they are placed alongside collection bins. Any such materials may be placed inside a collection bin or placed beside the collection bin.
3. The person responsible shall place all recyclable materials in the collection bin provided by the City. Glass bottles and jars, aluminum and tin-plated steel cans should be emptied and cleaned before being placed into collection bins.

f. **Use of Collection Bins**

No person shall use any recycling collection bin for any other use except the storage of recyclable materials and refuse prior to their collection.

g. **Commercial Establishments—Refuse and Recyclable Materials Prohibited in Public Containers**

No vendor or employee, owner or occupant of any commercial establishment shall place for collection, in any refuse or recycling collection bin provided by the City, located in any public

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right of way, any refuse or recyclable materials resulting from the conduct of any business or occupation of the vendor, its employees, owner, or occupant of any commercial establishment.

h. Excreta prohibited in Collection Bins

No person shall place or cause to be placed in any receptacle provided for the collection of refuse or recyclable materials any human excreta or any loose articles or substances soiled by human or animal excreta.

### **Section 3.2 Special Collections**

Special collection materials. Persons responsible shall schedule the collection of heavy or bulky household items such as furniture, certain appliances or other large or heavy household items before placing them out for collection, shall not put them out for collection until 6:00 p.m. on the evening before they are to be collected, and shall be responsible for paying a special collection fee in advance of the scheduled collection day.

### **Section 3.3 City Collection of Recyclable Materials**

- a. The City shall collect recyclable materials once a week on a day specified by the City Manager, notwithstanding any such days when collection is scheduled to occur on a legal holiday or days upon which snow or ice has made roadways impassable and collection hazardous.
- b. The City shall provide a recycling collection bin to each single-family residential facility from which the City collects recyclable materials. Residents may receive replacement bins from the City if theirs is lost, damaged or stolen.
  1. Any recycling collection bin, provided under Subsection (b), is owned by the City. The recycling collection bin is to remain at each residential unit to which it was provided. In situations where residents move into the City after the program has begun, the City may provide such residents with a recycling collection bin if a recycling bin was not previously left on the property.
  2. Recycling collection bins, provided under Subsection (b), may not be used for any purpose other than storing recyclable materials prior to their collection.
- c. A person shall place all recyclable material, except newspaper and cardboard, loose in the recycling collection bin provided to residents by the City or any other clearly marked, stiff sided container, with a volume of less than thirty (30) gallons. All

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such loose recyclable materials should be emptied and rinsed before being placed in the recycling bin.

1. All newspaper that is placed within a collection bin shall be placed in a recyclable bag or bound together with recyclable twine. If space for such newspaper and cardboard is unavailable within the collection bin, those materials may be placed beside the collection bin. Any such materials that are placed beside the collection bin must be properly secured to ensure that they are not blown away by the wind.
- d. Except for the City, its contractors, others responsible for the collection of recyclable materials or refuse, or the persons who placed the recyclable materials next to the curb, a person shall not collect recyclable materials that have been placed next to the curb.

### **Section 3.4 Notice of the City’s Recycling Policies to Multi-Family Properties from Which the City Collects Recyclable Materials.**

For multi-family properties from which the City collects recyclable materials, the person responsible shall post a notice containing the City’s recycling policies, attached hereto as Appendix A, in all areas on the property where common use refuse and recycling bins are located.

### **Section 3.5 Fees Relating to the Collection of Refuse and Recyclables from Multifamily Facilities**

- a. Fees Generally.
  1. Multifamily facilities that contain between two (2) and twelve (12) dwelling units: no fee for the first dwelling unit and, effective January 1, 2023, \$143.00 for each additional dwelling unit. On January 1st of each year thereafter, the fee for such multifamily facilities shall increase by an amount equal to the percent change in the Consumer Price Index (“CPI”), 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 shall be computed for the twelve (12) month period ending in September of each year using the average CPI for the twelve (12) month period ending in September of the previous year. If there is no increase in the CPI, then the collection fee shall remain the same.
- b. Unpaid Fees. The City may proceed with the collection of unpaid fees in the manner provided by law for the collection of delinquent taxes.

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- c. Cancellation. The person responsible shall provide written notice to the City’s Finance Office of its intent to cancel City collection and its intent to dispose of refuse and recyclable materials by private means at least thirty (30) days prior to the date upon which City refuse and recyclable material collection fees are due.

## **Section 4 Multifamily Facilities with Private Collection**

### **Section 4.1 Annual Reports**

- a. The person responsible that contracts with a licensed refuse or recyclable material collector to provide recycling collection services to their property shall file an annual report on the form attached to these regulations as Appendix C along with all supporting documentation on or before July 1st each year.
- b. The person responsible shall maintain and, upon request by the 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 of receipts for the collection of recyclable materials.

### **Section 4.2 Notice to Residents**

In multifamily facilities, the person responsible shall post notice of the City’s recycling policies, attached hereto as Appendix B, in areas where common use refuse and recycling bins are located.

## **Section 5 Business Recycling**

### **Section 5.1 Commercial Properties—Recyclable Collection Bins**

- a. Commercial property owners must make adequate common use recycling collection bins available to their tenants.
- b. All recyclable materials shall be placed in an appropriate industry-standard collection bin. All collection bins shall be kept in a location that is safe and accessible.

### **Section 5.2 Businesses Responsible for Compliance**

All businesses are responsible for ensuring their employees recycle and shall require their employees, contractors, or agents to separate refuse and recyclables generated on their premises.

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### **Section 5.3    Annual Reports**

- a.     The person responsible that contracts with a licensed refuse and/or recyclable material collector to provide recycling collection services to their property shall file an annual report on the form attached to these regulations as Appendix C with all supporting documentation on or before July 1st each year.
  
- b.     The person responsible shall maintain and, upon request by the 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 of receipts for the collection of recyclable materials.

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**APPENDIX A**  
**[Notice to Residents of Multi-Family Properties Receiving City Collection]**

**Notice of Mandatory Recycling**

The City of Takoma Park requires all residents to separate their trash and recycling. Failure to separate the recycling from the trash may result in a municipal citation and fine, termination of a tenant's lease, or, for condominium owners, penalties for violation of condominium associations' rules.

The following materials may be recycled:

<b>Category</b>	<b>Recyclable Materials</b>
Paper and Cardboard	White and colored paper, corrugated cardboard, boxboard, newspapers and inserts, magazines, catalogs, telephone directories, paperback books, and envelopes with or without plastic or glassine windows.
Bottles and Cans	Aluminum cans, foil products, bi-metal cans, glass bottles, glass jars, plastic narrow neck bottles, and plastic containers marked with resin identification code # 1–5♻, excluding polystyrene plastics (resin identification code #6♻).

The following instructions must be adhered to in disposing of recyclable materials:

<b>Category</b>	<b>Recycling Instructions</b>
Paper Products	<ul style="list-style-type: none"> <li>• Paper products must be dry and unsoiled.</li> <li>• Wet or soiled paper products must be disposed of in the trash.</li> <li>• Place all paper products in a paper bag or tie them into a bundle prior to being placed in the recycling bin.</li> </ul>
Cardboard	<ul style="list-style-type: none"> <li>• Cardboard boxes must be broken down and secured from blowing away prior to being placed in the recycling bin.</li> </ul>
Bottles and Cans	<ul style="list-style-type: none"> <li>• Must be emptied, rinsed, and placed in a recycling bin.</li> </ul>

The following materials may not be placed in the recycling collection bins:

- (1) Any poisons, acids, caustics, explosives, or other such waste material that may cause damage to collection equipment or personal injury to collectors;
- (2) Grass clippings, plant cuttings, brush, branches, logs, leaves, or organic mulch; and
- (3) Any human excreta or any loose article or substance soiled by human or animal excreta.

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**APPENDIX B**  
**[Notice to Residents in Multi-Family Properties with Private Collection]**

**Notice of Mandatory Recycling**

The City of Takoma Park requires all residents to separate their trash and recycling. Failure to separate recycling from trash may result in a municipal citation and fine, termination of a tenant's lease, or, for condominium owners, penalties for violation of a condominium association's rules.

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

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## APPENDIX C

### [Annual Certification of Compliance with Takoma Park's Recycling Rules]

**Business filing this Annual Report:**

Business Name: \_\_\_\_\_

Mailing Address: \_\_\_\_\_

Phone Number: \_\_\_\_\_

Contact Name and Title: \_\_\_\_\_

Email: \_\_\_\_\_ Website: \_\_\_\_\_

What is your relationship to the business(es) for whom this Annual Report is being filled?  
(check the box that corresponds to appropriate description)

- ☐ I am filing for my business at the above address only.
- ☐ I am a **Property Manager** filing for one or more tenant(s) leasing property at a single site.  
*If the address of the building occupied by your tenant(s) is different from the address provided above, provide the address of the building occupied by your tenant(s) covered under this report: \_\_\_\_\_.*
- ☐ Business Headquarters filing for multiple business locations in the City.  
*Attach a list of addresses of each location that is covered under this report.*

**LIST BUSINESS(ES) COVERED BY THIS ANNUAL REPORT, IF APPLICABLE:**

Business Name	Contact	Address	Phone Number	Square Feet

(Attach a separate page for additional business(es).)

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ANNUAL REPORT			
Material (Circle type where applicable)	Quantity Collected	Number and Size of Central Collection Containers and Number of Collections per Month	Name and Phone Number of Company Collecting or Hauling Materials
RECYCLABLE MATERIALS			
Mixed Paper	Pounds/Yr.		
Commingled Materials	Pounds/Yr.		
SOLID WASTE DISPOSAL			
Solid Waste for Disposal (Refuse)	Pounds/Yr.		

\_\_\_\_\_  
Signature of Person Completing Form

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Signatory and Company Name

I hereby certify that, as the Corporate Officer, I am responsible for ensuring compliance with **the applicable provisions of Title 10 of the *Takoma Park Code***, which requires recycling and reporting by my business, and confirm that the above program will be implemented in accordance with all applicable provisions of the *Takoma Park Code* and/or Administrative Regulations.

\_\_\_\_\_  
Signature of Responsible Corporate Officer

\_\_\_\_\_  
Date

\_\_\_\_\_  
Print Name of Signatory

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