

Work Session

Agenda Item #	3
Meeting Date	February 23, 2014
Prepared By	Kenneth Sigman Assistant City Attorney
Approved By	Suzanne R. Ludlow Acting City Manager

Discussion Item	Amendment to the Takoma Park Code, Title 10, Refuse, to Add Requirements for Multifamily and Business Recycling
Background	<p>The attached proposal modernizes the City’s residential recycling requirements and implements a business recycling requirement.</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 separate trash and recyclable materials and that business operators or their commercial landlords have a licensed contractor collect recyclable materials. This requirement parallels Montgomery County’s business recycling requirement, which is not applicable in municipalities.</p> <p>The attached proposal does not include requirements regarding the collection of food waste for composting because of the inadequacy of facilities for the processing of compostable materials. The City will continue to explore the feasibility of a comprehensive compost collection mandate and monitor the development of compost processing facilities.</p>
Policy	The City seeks to further environmental sustainability and protect the public health.
Fiscal Impact	Unknown at this time.
Attachments	Draft recycling ordinance: redline version showing revisions and clean version for readability)
Recommendation	Discuss the proposed ordinance.
Special Consideration	

1 **Chapter 10.04**
2 **GENERAL PROVISIONS**

3 Sections:

4 10.04.010 Definitions.

5 10.04.020 Inspections by ~~Director of Public Works~~City Manager.

6 10.04.030 Rules, regulations, and determination of violations.

7 10.04.040 Recycling mandatory.

8 **10.04.010 Definitions.**

9 As used in this chapter, subject to such extensions as may be given to any of
10 these definitions ~~under Section 10.04.030 of~~ in regulations adopted under this
11 chapter:

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

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

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

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

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

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

25 ~~“Recyclable”~~“Commingled materials” includes newspaper, means aluminum cans
26 and foil products, bi-metal cans, glass bottles and jars, aluminum cans, tin-plated
27 steel food and beverage cans, corrugated cardboard and other itemsplastic

28 narrow neck bottles, recyclable plastic containers as specified by City regulation,
29 and any other materials designated by ~~the Director of Public Works~~ intended to
30 ~~be discarded by persons who receive City refuse collection services.~~

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

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

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

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

41 ~~“Dry refuse” includes all organic combustible waste material discarded from the~~
42 ~~premises in the ordinary conduct of the business or establishment~~City regulation,
43 which are not separated by type, but ~~shall not include waste material resulting~~
44 ~~from the repair or alterations of the building or structure~~are mixed together in one
45 bin.

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

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

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

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

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

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

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

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

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

67 “Person responsible” means property owner, ~~property manager~~condominium
68 association, or occupant.

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

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

74 **10.04.020 Inspections by ~~Director of Public Works~~City Manager.**

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

79 **10.04.030 Rules, regulations, and determination of violations.**

80 | A. The ~~Director of Public Works~~City Manager shall prepare such regulations
81 | and recommend such policies as may be necessary to effect the collection and
82 | disposal of refuse and dead animals. These regulations and policies, ~~when~~
83 | ~~approved by the Mayor and Council~~, shall have the same effect as though set
84 | forth in this title. Such regulations may include collection data reporting
85 | requirements for business and multifamily residential properties.

86 | B. In the preservation of health, safety and general welfare, the ~~Director of~~
87 | ~~Public Works or the Director's representative~~City Manager shall determine if any
88 | provisions of this title have been violated. In the event that any such violations
89 | exist, the ~~Director of Public Works or the Director's representative~~City Manager
90 | shall send a copy of the section or sections with a copy of the municipal infraction
91 | in accordance with Section 10.28.010.

92 | ~~C. The Assistant Director of Housing or his or her designee may serve as the~~
93 | ~~Director's representative for the purpose of enforcement of the provisions of this~~
94 | ~~title.~~

95 |

96 | **10.04.040 Recycling mandatory.**

97 | All residents and businesses must separate refuse and recyclable materials and
98 | place refuse and recyclables in appropriate bins for collection.

99 |

100 | **CITY COLLECTION OF RESIDENTIAL REFUSE, RECYCLABLES, AND**
101 | **COMPOSTABLES**

102 | Sections:

103 | 10.08.010 Residential properties eligible for City collection.

104 | ~~10.08.010~~020 Collection during icy and snowy weather.

105 | ~~10.08.020~~030 Confinement of animals during refuse and recyclable
106 | collection.

107 | ~~10.08.030~~040 Refuse ~~receptacles required~~bins and special collections.

108 | ~~10.08.040~~050 Location of refuse ~~containers~~bins for collection.

109 | ~~10.08.050~~ Placement of refuse receptacles in public way.

110 10.08.060 Interference with ~~refuse~~ collection.
111 ~~10.08.070 Commercial establishments—Refuse prohibited in public~~
112 ~~containers.~~
113 ~~10.08.080—10.08.070 City~~ Collection of recyclable materials.
114 10.08.~~090~~080 ~~Exereta~~Materials prohibited in collection receptacles.
115 10.08.090 Multifamily facilities—refuse and recycling fee schedule.
116 10.08.100 Unpaid fees.
117 10.08.110 Authority to require refuse disposal.
118 10.08.120 City collection of compostable materials.

119

120 **10.08.010 Residential properties eligible for City collection.**

121 The City will collect refuse and recyclables from single-family homes and from
122 multifamily residential facilities with twelve or fewer dwelling units, the owner of
123 which elects City collection.

124 **10.08.020 Collection during icy and snowy weather.**

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

130 **10.08.020030 Confinement of animals during refuse and recyclable**
131 **collection.**

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

136 **10.08.030040 Refuse receptacles requiredbins and special collections.**

137 A. Where refuse is accumulated, the person responsible shall provide and
138 maintain in good condition on that premises any receptaclessufficient bins for the
139 deposit of refuse. to contain all refuse accumulated between collections. Refuse
140 receptaelesbins shall not have rusted-through areas, tears or fractures, and lids

141 shall fit properly so as to secure the refuse. A violation of this paragraph is a
142 Class D offense.

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

144 10.08.040B. Special collection materials. Residents shall schedule the
145 collection of heavy or bulky items household items such as furniture, rugs, doors,
146 and exercise equipment before placing them out for collection, shall not put them
147 out for collection until 7:00 pm on the day before the collection, and shall be
148 responsible for paying a special collection fee.

149 **10.08.050 Location of refuse containersbins for collection.**

150 The occupants of all premises where refuse is accumulated shall, ~~after preparing~~
151 ~~such refuse for collection in the manner prescribed in Section 10.04.030,~~ cause
152 the refuse to be placed for collection in a position easily accessible to the refuse
153 collector or at a point as may be designated by the ~~Director of Public Works:City~~
154 Manager. Violation by a single-family home is a Class D offense. Misplacement
155 of a trash ~~containerbin~~, other than one used by single-family residents, shall be a
156 Class B infraction.

157 **10.08.050 Placement of refuse receptacles in public way.**

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

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

167 ~~C.—This section does not apply to collection of recyclable materials under~~
168 ~~Section 10.08.080. A violation of this section is a Class D offense.~~

169 | **10.08.060 Interference with ~~refuse~~ collection.**

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

173 | **10.08.070 ~~Commercial establishments—Refuse prohibited in public~~**
174 | **~~containers.~~**

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

180 | **10.08.080 Collection of recyclable materials.**

181 | A. This section applies to occupants of single-family homes and multifamily
182 | dwelling facilities from which the City collects refuse and recyclables.

183 | B. The City or a contractor of the City shall collect recyclable material once a
184 | week on a day specified by the ~~Director of Public Works.~~City Manager. However,
185 | recyclable material will not be collected on that day if:

186 | 1. Snow or ice has made roadways impassable; or

187 | 2. The day falls on a legal holiday.

188 | C. A person shall place ~~newspapers, corrugated cardboard and the containers~~
189 | ~~of other recyclable material on the public right-of-way next to the curb. The~~
190 | ~~recyclable material shall not interfere with parking or traffic. A person shall not~~
191 | ~~place the recyclables next to the curb before 4:00 p.m. the day before the~~
192 | ~~scheduled collection. After being emptied, the recycling container shall be~~
193 | ~~removed from the curb by the occupants before 12:00 midnight the day of~~
194 | ~~collection.~~

195 | ~~D.—In cases where there is no public right-of-way next to the curb or the public~~
196 | ~~right-of-way is inadequate, the Director of Public Works shall designate an~~

197 ~~appropriate place near the curb for placement of the recyclables. Examples of~~
198 ~~these places include the foot of driveways, walkways or steps to the house or the~~
199 ~~edge of the front lawn. The Director may designate a single place next to the~~
200 ~~curb for residents of multifamily dwellings.~~

201 ~~E.—A person shall place the newspapers~~all mixed paper except large boxes in a
202 paper bag or box or shall tie the ~~newspapers~~papers in a bundle. A bag, box or
203 bundle shall prevent the newspapers from being blown away by the wind. A bag,
204 box or bundle shall not weigh more than 25 pounds.

205 FD. Corrugated cardboard boxes must be broken down,~~with tape and staples~~
206 ~~removed,~~ and secured in bundles ~~with twine.~~

207 GE. The City shall provide a recycling collection containerbin to each
208 residential unit required to participate in the recycling program. Residents can
209 receive replacement containersbins from the City if theirs is lost or stolen.

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

214 ~~I~~G. A person shall place all recyclable material except newspaper and
215 cardboard in the collection containerbin provided to residents by the City.~~Glass~~
216 ~~bottles and jars, aluminum cans and tin-plated steel cans or any other clearly~~
217 ~~identifiable recycling bin of a size approved by the City Manager. Comingled~~
218 materials should be emptied and cleaned before being placed in the recycling
219 containerbin.

220 JH. The ~~Director of Public Works~~City Manager may designate additional
221 material ~~for residents to include in the recycling program~~be recycled.

222 KI. A person shall not use the recycling collection containerbin for any other
223 use except the storing of recyclable items prior to collection.

224 | ~~LJ.~~ Except for the City, its contractor or the person who placed the recyclable
225 | material next to the curb, a person shall not collect recyclable materials that have
226 | been placed next to the curb.

227 | ~~MK.~~ A violation of this section is a Class D offense.

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

230 | a. First Violation. ~~The Director of Public Works or the Director's~~
231 | ~~representative~~The City Manager shall issue a warning notice to the
232 | person responsible.

233 | b. Second Violation. The refuse shall not be collected on the date of
234 | the violation and the ~~Director of Public Works or the Director's~~
235 | ~~representative~~City Manager shall issue a second warning notice to the
236 | person responsible. The warning notice shall describe the violation,
237 | include instructions for the proper sorting of recyclables from refuse,
238 | state that all single-family houses and multifamily ~~dwelling~~facilities
239 | from which the City collects refuse must participate in the recycling
240 | program and inform the person responsible for the violation and for
241 | subsequent violations of the penalty. The warning notice shall be
242 | personally delivered to the person responsible for the violation,
243 | attached to the recycling ~~container~~bin or mailed to the address where
244 | the violation occurred.

245 | c. Third Violation. The refuse shall not be collected on the date of the
246 | violation and the ~~Director of Public Works or the Director's~~
247 | ~~representative~~City Manager shall issue a citation for a municipal
248 | infraction to the person responsible.

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

251 | **10.08.090 Excreta080 Materials prohibited in collection receptacles.**

252 No person shall place or cause to be placed in any ~~receptacle provided for the~~
253 ~~collection of refuse or recycling bin~~ any ~~human excreta or any article~~ poisons,
254 acids, caustics, explosives or ~~substance soiled by human or animal excreta such~~
255 other waste material as may cause damage to collection equipment or personal
256 injury to collectors. A violation of this section is a Class B offense. ~~Refuse~~
257 Contaminated refuse and recycling will not be collected.

258

259

260

Chapter 10.12
MULTIFAMILY UNIT REFUSE COLLECTION

261

Sections:

262

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

263

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

264

~~10.12.030~~ **08.090 Multifamily** dwelling units refuse and recycling fee

265

~~schedule.~~

266

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

267

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

268

~~10.12.060 Service stoppage Unpaid charges.~~

269

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

270

~~10.12.080 Authority to require refuse disposal.~~

271

~~10.12.090 Multifamily unit recycling collection regulations.~~

272

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

273

~~All refuse accumulated by the occupants of multiple family units shall be~~

274

~~collected, conveyed and disposed of by the City, subject to provisions as follows:~~

275

~~A. This chapter shall not prohibit the actual producers of refuse, or the owners~~

276

~~of premises upon which refuse has accumulated, from personally collecting,~~

277

~~conveying and disposing of such refuse by means of private or commercial~~

278

~~refuse collectors.~~

279

~~B. Multiple family dwellings equipped with a central incinerator unit which has~~

280

~~been officially approved by the Fire Marshal and which is operated in accordance~~

281 ~~with the Fire Prevention Code shall be exempt from the provisions of~~
282 ~~Sections 10.12.030 through 10.12.060 of this chapter.~~

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

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

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

292 ~~**10.12.020 Refuse regulations applicable to multifamily units.**~~

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

298 ~~**10.12.030 Multifamily dwelling units facilities—refuse and recycling fee**~~
299 ~~**schedule.**~~

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

306 Multifamily ~~dwelling~~facilities with 2 through 12 dwelling units: no fee for the first
307 dwelling unit and ~~\$143.00, effective July 1, 2015, \$~~ _____ for each additional
308 dwelling unit

309 ~~10.12.040 Multifamily unit refuse collection fee date—Delinquent accounts.~~

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

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

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

319 ~~10.12.050 Construction of multiple-family units—Prorated fee.~~

320 ~~Multiple-family units constructed after June 22, 1964, shall have the fees~~
321 ~~authorized by this chapter prorated from the date refuse collection service is~~
322 ~~commenced 2 through 12 shall increase by an amount equal to the percent~~
323 ~~change in the Consumer Price Index (“CPI-U”), or any successor or replacement~~
324 ~~to this CPI, rounded to the next semiannual due date established by this chapter.~~

325 ~~10.12.060 Service stoppage—Unpaid charges.~~

326 ~~The stoppage of service as authorized under Section 10.12.040 for nonpayment~~
327 ~~of collection charges nearest dollar. All annual computations shall be based on~~
328 ~~the prior nonrounded figures; only the fee charged shall be rounded. The percent~~
329 ~~change in the CPI-U shall be in addition to the right of the City to computed for the~~
330 ~~12-month period ending in September of each year from the average CPI-U for~~
331 ~~the 12-month period ending in September of the previous year. If there is no~~
332 ~~increase in the CPI-U, then the collection fee shall remain the same.~~

333 ~~10.08.100 Unpaid fees.~~

334 ~~The City may proceed forwith the collection of the unpaid charges fees in athe~~
335 ~~manner provided by law for the collection of delinquent taxes.~~

336 ~~10.12.070 Notification of Clerk—Treasurer by Director of Public Works.~~

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

341 ~~10.12.080~~**10.08.110 Authority to require refuse disposal.**

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

348 ~~10.12.090 Multifamily unit recycling~~**10.08.120 City collection regulations of**
349 **compostable materials.**

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

354 B. ~~Recycling programs in~~ Reserved.

355 **Chapter 10.12**
356 **PRIVATE COLLECTION FROM MULTIFAMILY FACILITIES**

357 **Sections:**

358 **10.12.010 General.**

359 **10.12.020 Private collection of refuse at multifamily facilities.**

360 **10.12.030 Private collection of recyclables at multifamily dwellings that do**
361 **not have facilities.**

362 **10.12.040 Private collection of compostables at multifamily facilities.**

363 **10.12.010 General.**

364 A. This Chapter applies to all multifamily facilities with 13 or more units and to
365 multifamily facilities with 12 or fewer units, the owners of which do not elect City
366 refuse and recyclable collection must include at least 2 of .

367 B. Responsible Party. In the recyclable material groups designated in
368 subsection (C) of this section by May 1, 1993; 4 of said designated recyclable
369 material groups by May 1, 1994; and all of said designated recyclable material
370 groups by May 1, 1995 case of multifamily facilities covered by a common
371 ownership association, the association representative, as listed in the
372 Montgomery County Office of Common Ownership Properties, is responsible for
373 compliance with this Chapter. In the case of rental facilities, the property owner
374 or agent, as identified in the rental housing license, is responsible.

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

376 1. Aluminum and tin-plated steel food and beverage cans;

377 2. Appliances;

378 3. Corrugated cardboard;

379 4. Glass bottles and jars;

380 5. Newspapers;

381 6. Other paper;

382 7. Plastic bottles.

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

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

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

399 GC. The responsible party or an employee of the responsible party must either
400 collect refuse and recyclables from the facility or contract with a licensed
401 collector. Responsible parties must not utilize contractors that are not licensed
402 collectors to collect refuse and recyclables.

403 D. Cancellation of City collection. The responsible party must notify the Public
404 Works Director in writing of the intent to dispose of refuse and recycling by
405 private means at least 15 days prior to the due date of City refuse and recycling
406 collection fees.

407 **10.12.020 Private collection of refuse at multifamily facilities.**

408 The responsible party must provide refuse collection with sufficient frequency to
409 prevent unsanitary conditions at the property and no less often than once per
410 week. The responsible party must provide sufficient common refuse collection
411 bins to hold the typical amount of refuse generated by the property between
412 collections.

413 **10.12.030 Private collection of recyclables at multifamily facilities.**

414 A. The responsible party for each multifamily facility that does not receive City
415 refuse and recycling collection must facilitate recycling by tenants in each rental
416 unit, including, but not limited to, providing sufficient common recycling bins to
417 hold the typical amount of recyclable materials generated at the property
418 between collections, collecting recycling at least once per week, making the

419 common recyclable collection bins visible and at least as accessible as common
420 refuse collection bins, and posting notice of the City's recycling policies in a form
421 approved by City regulation where common refuse and recycling bins are
422 located.

423 B. Proof of participation in recycling program. The responsible parties of
424 multifamily facilities that do not receive City recyclable collection shall file a report
425 certifying compliance with this section on a form provided by the City by July 1,
426 2015. Thereafter, the responsible party must file its certification report annually
427 by July 1. Multifamily facility owners must maintain and, upon request by City
428 Manager, produce proof of a valid and current contract with a licensed collector
429 and a copy of the collector's license or one year's receipts for delivery of
430 recyclable materials to a licensed recycling facility.

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

433 **10.12.040 Private collection of compostables at multifamily facilities.**

434 Reserved.

435

436 **Chapter 10.14**
437 **BUSINESS RECYCLING AND COMPOSTING**

438 Sections:

439 10.14.010 Business recycling.

440 10.14.020 Businesses—Refuse and recyclables prohibited in public bins.

441 10.14.030 Business compostable collection.

442 **10.14.010 Business Recycling.**

443 A. This section shall apply to businesses and commercial property owners.
444 Beginning July 1, 2015, all businesses shall recycle the following:

445 1. mixed paper or sorted paper

446 2. commingled materials (which may be sorted)

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3. yard trim

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

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, 2015, 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 July 1, 2015, and by July 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

475 responsible for ensuring that their property owner files the certification
476 required by paragraph 1 of this subsection.

477 **10.14.020 Businesses—Refuse and recyclables prohibited in public bins.**

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

481 **10.14.030 Business compostable collection.**

482 Reserved.

1 **Chapter 10.04**
2 **GENERAL PROVISIONS**

3 Sections:

4 10.04.010 Definitions.

5 10.04.020 Inspections by City Manager.

6 10.04.030 Rules, regulations, and determination of violations.

7 10.04.040 Recycling mandatory.

8 **10.04.010 Definitions.**

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

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

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

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

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

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

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

27 “Person responsible” means property owner, condominium association, or
28 occupant.

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

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

34 **10.04.020 Inspections by City Manager.**

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

38 **10.04.030 Rules, regulations, and determination of violations.**

39 A. The City Manager shall prepare such regulations and recommend such
40 policies as may be necessary to effect the collection and disposal of refuse and
41 dead animals. These regulations and policies shall have the same effect as
42 though set forth in this title. Such regulations may include collection data
43 reporting requirements for business and multifamily residential properties.

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

49 **10.04.040 Recycling mandatory.**

50 All residents and businesses must separate refuse and recyclable materials and
51 place refuse and recyclables in appropriate bins for collection.

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

56 Sections:

- 57 10.08.010 Residential properties eligible for City collection.
- 58 10.08.020 Collection during icy and snowy weather.
- 59 10.08.030 Confinement of animals during refuse and recyclable collection.
- 60 10.08.040 Refuse bins and special collections.
- 61 10.08.050 Location of refuse bins for collection.
- 62 10.08.060 Interference with collection.
- 63 10.08.070 City Collection of recyclable materials.
- 64 10.08.080 Materials prohibited in collection receptacles.
- 65 10.08.090 Multifamily facilities—refuse and recycling fee schedule.
- 66 10.08.100 Unpaid fees.
- 67 10.08.110 Authority to require refuse disposal.
- 68 10.08.120 City collection of compostable materials.

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70 **10.08.010 Residential properties eligible for City collection.**

71 The City will collect refuse and recyclables from single-family homes and from
72 multifamily residential facilities with twelve or fewer dwelling units, the owner of
73 which elects City collection.

74 **10.08.020 Collection during icy and snowy weather.**

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

80 **10.08.030 Confinement of animals during refuse and recyclable collection.**

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

85 **10.08.040 Refuse bins and special collections.**

86 A. Where refuse is accumulated, the person responsible shall provide and
87 maintain in good condition on that premises sufficient bins for the deposit of
88 refuse to contain all refuse accumulated between collections. Refuse bins shall
89 not have rusted-through areas, tears or fractures, and lids shall fit properly so as
90 to secure the refuse. A violation of this paragraph is a Class D offense.

91 B. Special collection materials. Residents shall schedule the collection of
92 heavy or bulky items household items such as furniture, rugs, doors, and
93 exercise equipment before placing them out for collection, shall not put them out
94 for collection until 7:00 pm on the day before the collection, and shall be
95 responsible for paying a special collection fee.

96 **10.08.050 Location of refuse bins for collection.**

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

102 **10.08.060 Interference with collection.**

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

106 **10.08.070 City Collection of recyclable materials.**

107 A. This section applies to occupants of single-family homes and multifamily
108 facilities from which the City collects refuse and recyclables.

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

112 1. Snow or ice has made roadways impassable; or

- 113 2. The day falls on a legal holiday.
- 114 C. A person shall place all mixed paper except large boxes in a paper bag or
115 box or shall tie the papers in a bundle. A bag, box or bundle shall prevent the
116 newspapers from being blown away by the wind. A bag, box or bundle shall not
117 weigh more than 25 pounds.
- 118 D. Corrugated cardboard boxes must be broken down and secured in bundles.
- 119 E. The City shall provide a recycling collection bin to each residential unit
120 required to participate in the recycling program. Residents can receive
121 replacement bins from the City if theirs is lost or stolen.
- 122 F. The recycling bin is the property of the City. The recycling bin is to remain at
123 each residential unit to which it was given. Residents who move into the City
124 after the program has begun may receive use of another recycling bin if the bin
125 was not left with the property.
- 126 G. A person shall place all recyclable material except newspaper and
127 cardboard in the collection bin provided to residents by the City or any other
128 clearly identifiable recycling bin of a size approved by the City Manager.
129 Comingled materials should be emptied and cleaned before being placed in the
130 recycling bin.
- 131 H. The City Manager may designate additional material to be recycled.
- 132 I. A person shall not use the recycling collection bin for any other use except
133 the storing of recyclable items prior to collection.
- 134 J. Except for the City, its contractor or the person who placed the recyclable
135 material next to the curb, a person shall not collect recyclable materials that have
136 been placed next to the curb.
- 137 K. A violation of this section is a Class D offense.
- 138 1. Before issuing a citation for a municipal infraction, warning notices shall
139 be given to the person responsible as follows:

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

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

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

155 **10.08.080 Materials prohibited in collection receptacles.**

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

161 **10.08.090 Multifamily facilities—refuse and recycling fee schedule.**

162 The annual fees for collection and disposal of refuse and recyclables shall be as
163 follows:

164 Multifamily facilities with 2 through 12 dwelling units: no fee for the first dwelling
165 unit and, effective July 1, 2015, \$_____ for each additional dwelling unit. On
166 January 1st of each year thereafter, the fee for units 2 through 12 shall increase
167 by an amount equal to the percent change in the Consumer Price Index (“CPI-
168 U”), or any successor or replacement to this CPI, rounded to the nearest dollar.
169 All annual computations shall be based on the prior nonrounded figures; only the

170 fee charged shall be rounded. The percent change in the CPI-U shall be
171 computed for the 12-month period ending in September of each year from the
172 average CPI-U for the 12-month period ending in September of the previous
173 year. If there is no increase in the CPI-U, then the collection fee shall remain the
174 same.

175 **10.08.100 Unpaid fees.**

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

178 **10.08.110 Authority to require refuse disposal.**

179 The City Manager is specifically authorized, in addition to any other authority
180 previously granted, to require the owner, agent, manager or occupants of
181 multifamily facilities to dispose of refuse by proper means for the protection of the
182 public health, safety and welfare, even though the City may have discontinued
183 collection service.

184 **10.08.120 City collection of compostable materials.**

185 Reserved.

186 **Chapter 10.12**
187 **PRIVATE COLLECTION FROM MULTIFAMILY FACILITIES**

188 Sections:

- 189 10.12.010 General.
- 190 10.12.020 Private collection of refuse at multifamily facilities.
- 191 10.12.030 Private collection of recyclables at multifamily facilities.
- 192 10.12.040 Private collection of compostables at multifamily facilities.

193 **10.12.010 General.**

194 A. This Chapter applies to all multifamily facilities with 13 or more units and to
195 multifamily facilities with 12 or fewer units, the owners of which do not elect City
196 refuse and recyclable collection.

197 B. Responsible Party. In the case of multifamily facilities covered by a common
198 ownership association, the association representative, as listed in the

199 Montgomery County Office of Common Ownership Properties, is responsible for
200 compliance with this Chapter. In the case of rental facilities, the property owner
201 or agent, as identified in the rental housing license, is responsible.

202 C. The responsible party or an employee of the responsible party must either
203 collect refuse and recyclables from the facility or contract with a licensed
204 collector. Responsible parties must not utilize contractors that are not licensed
205 collectors to collect refuse and recyclables.

206 D. Cancellation of City collection. The responsible party must notify the Public
207 Works Director in writing of the intent to dispose of refuse and recycling by
208 private means at least 15 days prior to the due date of City refuse and recycling
209 collection fees.

210 **10.12.020 Private collection of refuse at multifamily facilities.**

211 The responsible party must provide refuse collection with sufficient frequency to
212 prevent unsanitary conditions at the property and no less often than once per
213 week. The responsible party must provide sufficient common refuse collection
214 bins to hold the typical amount of refuse generated by the property between
215 collections.

216 **10.12.030 Private collection of recyclables at multifamily facilities.**

217 A. The responsible party for each multifamily facility that does not receive City
218 refuse and recycling collection must facilitate recycling by tenants in each rental
219 unit, including, but not limited to, providing sufficient common recycling bins to
220 hold the typical amount of recyclable materials generated at the property
221 between collections, collecting recycling at least once per week, making the
222 common recyclable collection bins visible and at least as accessible as common
223 refuse collection bins, and posting notice of the City's recycling policies in a form
224 approved by City regulation where common refuse and recycling bins are
225 located.

226 B. Proof of participation in recycling program. The responsible parties of
227 multifamily facilities that do not receive City recyclable collection shall file a report
228 certifying compliance with this section on a form provided by the City by July 1,

229 2015. Thereafter, the responsible party must file its certification report annually
230 by July 1. Multifamily facility owners must maintain and, upon request by City
231 Manager, produce proof of a valid and current contract with a licensed collector
232 and a copy of the collector's license or one year's receipts for delivery of
233 recyclable materials to a licensed recycling facility.

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

236 **10.12.040 Private collection of compostables at multifamily facilities.**

237 Reserved.

238

239 **Chapter 10.14**
240 **BUSINESS RECYCLING AND COMPOSTING**

241 Sections:

242 10.14.010 Business recycling.

243 10.14.020 Businesses—Refuse and recyclables prohibited in public bins.

244 10.14.030 Business compostable collection.

245 **10.14.010 Business Recycling.**

246 A. This section shall apply to businesses and commercial property owners.

247 Beginning July 1, 2015, all businesses shall recycle the following:

248 1. mixed paper or sorted paper

249 2. commingled materials (which may be sorted)

250 3. yard trim

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

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

- 255 D. Bins. All recyclable materials shall be placed in an appropriate industry-
256 standard bin. All bins shall be kept in a safe, accessible location.
- 257 E. Businesses are responsible for ensuring their employees recycle and must
258 separate refuse and recyclables generated on their premises.
- 259 F. Proof of participation in recycling program.
- 260 1. Commercial Property Owners. Commercial property owners that
261 contract with a licensed collector to provide recyclable collection service
262 for their business or tenants shall file a report on a form provided by the
263 City by July 1, 2015, and by July 1 of every year thereafter identifying the
264 businesses for which they provide recyclable collection and certifying
265 compliance with this section. Commercial property owners shall maintain
266 and, upon request by the City Manager or his or her designee, produce
267 proof of a valid and current contract with a licensed collector and a copy of
268 the collector's license and proof of payment of twelve months' collection
269 fees.
- 270 2. Businesses. Businesses that contract with a licensed collector shall
271 file a report on a form provided by the City by July 1, 2015, and by July 1
272 of every odd numbered year thereafter, certifying compliance with this
273 section. Such businesses shall maintain and, upon request by the City
274 Manager or his or her designee, produce proof of a valid and current
275 contract with a licensed collector, a copy of the collector's license, and
276 proof of payment of twelve months' collection fees. Businesses whose
277 commercial property owner provides recyclable collection service are
278 responsible for ensuring that their property owner files the certification
279 required by paragraph 1 of this subsection.

280 **10.14.020 Businesses—Refuse and recyclables prohibited in public bins.**

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

284 **10.14.030 Business compostable collection.**

285 Reserved.