

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK TO**  
**REPEAL AND RE-ENACT CHAPTER 161, “RECYCLING” IN ITS**  
**ENTIRETY, TO REQUIRE SOURCE SEPARATION OF RECYCLABLE**  
**MATERIALS FOR ALL OWNERS AND RESIDENTS UTILIZING CITY SOLID**  
**WASTE COLLECTION SERVICES**

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the citizens of the municipality and to prevent and remove nuisances; and

**WHEREAS**, the City has adopted Chapter 161, “Recycling”, to provide for mandatory source separation recycling of newspapers for all owners and residents utilizing City solid waste collection services; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to meet or exceed the solid waste reduction goals outlined in the State of Maryland Recycling Act and the Prince George’s County Municipal Recycling Program; and

**WHEREAS**, in support of solid waste reduction goals, the Mayor and Council have determined that it is in the public interest to require mandatory source recycling of additional materials, including certain glass containers, certain plastic containers, metal, mixed paper, cardboard, electronics, brush and yard trim.

**Section 1. NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 161, “Recycling”, be, and is hereby repealed in its entirety as follows:

[CHAPTER 161 RECYCLING

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance

## Article I: Newspapers

## §161-1 Definitions

As used in this article, the following terms shall have the meanings indicated:

USED NEWSPAPER

Includes paper of the type commonly referred to as "newsprint" and distributed at stated intervals, usually daily or weekly, having printed thereon news and opinions and containing advertisements and other matters of public interest.

§ 161-2 Establishment of program.

[Amended 12-10-1991 by Ord. No. 91-O-24]

On or after the effective date of this article and under regulations issued by the City Manager in accordance with the terms of this article, there is hereby established a program for the mandatory separation of used newspaper from municipal solid waste in the City of College Park. All persons who live in residential areas and currently receive solid waste disposal services from the City of College Park shall separate used newspapers from all other solid waste products. The City of College Park is not required to collect solid waste from any occupant or owner who includes used newspaper with his/her solid waste or does not place the used newspapers for collection in accordance with this article or authorized regulations.

§ 161-3 Separation; placement; collection; violation.

- A. Used newspapers shall be free of phone books, magazines, plastic bags and trash.
- B. Used newspapers shall be bundled separately and tied or put in a paper grocery bag in stacks no more than 12 inches high.
- C. Used newspapers may not be placed at the curb more than 24 hours in advance of the 7:30 a.m. scheduled pickup.
- D. Used newspapers will be picked up once per week.
- E. Used newspapers shall not be picked up on the following holidays: New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day and Christmas Day. In the event that either a holiday or snow day falls on a collection day, the newspaper will be picked up on the following designated collection day.
- F. The City Manager is authorized to issue additional reasonable regulations as needed to safely and efficiently effect the removal and collection of used newspapers.
- G. Violation of the provisions of Subsections A through C shall constitute a municipal infraction, carrying a charge as set forth in Chapter 110, Fees and Penalties.

§ 161-4 Collection by unauthorized person prohibited; violations and penalties.

A. From the time of placement of newspapers at the curb for collection by the authorized contractor or other authorized persons in accordance with the terms hereof, the used newspapers shall be and become the property of the City of College Park or its authorized agent. It shall be a violation of this article for any person not authorized by the City of College Park to collect or pick up or cause to be collected or picked up any of the used newspapers. Any and each such collection in violation hereof from one or more residences shall constitute a separate, distinct offense, punishable as hereinafter provided.

~~B. Any person who violates any provisions of this section or any regulation promulgated pursuant thereto shall be guilty of a municipal infraction and shall be subject to a fine as set forth in Chapter 110, Fees and Penalties.~~

**Section 2.** BE IT FURTHER ORDAINED AND ENACTED, that Chapter 161, “Recycling”, be, and is hereby enacted to read as follows:

CHAPTER 161 RECYCLING

§161-1. ESTABLISHMENT OF PROGRAM.

THE CITY CURBSIDE RECYCLING PROGRAM, TO REQUIRE SOURCE SEPARATION AND PLACEMENT FOR COLLECTION OF RECYCLABLE MATERIALS BY ALL OWNERS AND RESIDENTS RECEIVING CITY SOLID WASTE COLLECTION SERVICES, IS HEREBY ESTABLISHED.

§161-2. DEFINITIONS.

AS USED IN THIS CHAPTER, THE FOLLOWING TERMS SHALL HAVE THE MEANINGS INDICATED:

ALUMINUM. INCLUDES ALUMINUM ALLOY IN THE FORM OF CONTAINERS USED FOR FOOD AND BEVERAGES, ALUMINUM FOIL, AND DISPOSABLE ALUMINUM BAKING PANS.

BRUSH. ORGANIC, WOODY TRIM TYPICALLY CONSISTING OF BRANCHES, LIMBS, STICKS, TWIGS, AND SIMILAR MATERIAL.

CARDBOARD. INCLUDES CORRUGATED CARDBOARD AND PAPERBOARD OF THE TYPE USED FOR MAKING BOXES AND CARTONS.

CART. THE CONTAINER DESIGNATED BY THE CITY IN WHICH RECYCLABLES ARE TO BE HELD FOR STORAGE AND TRANSPORTATION.

CITY. THE CITY OF COLLEGE PARK AND ITS INCORPORATED AREA.

COLLECTOR. ANY PERSON OR FIRM, INCLUDING THE CITY, THAT COLLECTS OR CONTRACTS TO COLLECT AND PROVIDE SERVICES FOR COLLECTION AND/OR TRANSPORTATION OF THE DESIGNATED RECYCLABLE MATERIAL OF OTHERS TO AN APPROVED DISPOSAL SITE.

CURBSIDE COLLECTION. PROCESS WHERE MATERIALS ARE COLLECTED IN OR NEAR THE RIGHT-OF-WAY, GENERALLY IN FRONT OF THE PROPERTY.

DIRECTOR OF PUBLIC WORKS. THE DIRECTOR OR HIS/HER DESIGNEE.

ELECTRONICS. ANY ELECTRONICS ITEM INCLUDING, BUT NOT LIMITED, TO COMPUTERS, TABLETS, KEYBOARDS, MICE, PRINTERS, SCANNERS, FAX MACHINES, TVS, VCRS, DVD/CD/MP3 PLAYERS, STEREOS, RADIOS, TURNTABLES, SPEAKERS, TELEPHONES, CELL PHONES, PDAS, DIGITAL CAMERAS, CAMCORDERS, ELECTRONIC GAME DEVICES, CABLES/CORDS, ELECTRIC TOOLS, VACUUM CLEANERS, MICROWAVES, AND OTHER HOUSEHOLD APPLIANCES.

GLASS CONTAINER. INCLUDES ALL CLEAR (FLINT), GREEN AND BROWN (AMBER) COLORED GLASS FOOD AND BEVERAGE CONTAINERS. GLASS CONTAINERS SHALL NOT INCLUDE BLUE GLASS CONTAINERS, CERAMICS, CRYSTAL, LIGHT BULBS, PLATE WINDOW, LAMINATED, WIRED, OR MIRRORED GLASS.

HIGH GRADE OFFICE PAPER. INCLUDES WHITE OR OFF-WHITE, FINE, BOND, LEDGER, OFFSET, XEROGRAPHIC, AND COMPUTER PAPER AND RELATED TYPES OF CELLULOSIC MATERIAL CONTAINING NOT MORE THAN TEN PERCENT (10%) BY WEIGHT OR VOLUME OF NONCELLULOSIC MATERIAL SUCH AS LAMINATES, COATINGS, OR SATURANTS.

LEAVES. INCLUDES THE FOLIAGE OF TREES, BUSHES, AND SHRUBS.

MIXED PAPER. INCLUDES A WIDE RANGE OF PAPER STOCK AND CONSISTS OF UNSORTED MIXED PAPER SUCH AS NEWSPAPER, MAGAZINES, GLOSSY ADVERTISEMENTS, PAPERBOARD, OFFICE PAPER, PHONE BOOKS, CARDBOARD, AND SOFT AND HARD BOUND BOOKS. SHREDDED PAPER MUST BE CONTAINED IN A SEALED PAPER BAG. MIXED PAPER SHALL NOT INCLUDE SOILED PAPER, PAPER CUPS, TOWELS, TISSUES, NAPKINS OR PLATES.

NEWSPAPER. A PERIODICAL PRINTED ON A PAPER COMMONLY REFERRED TO AS NEWSPRINT.

PAPER. INCLUDES ALL NEWSPAPER, HIGH-GRADE OFFICE PAPER, FINE PAPER, BOND PAPER, OFFSET PAPER, XEROGRAPHIC PAPER, MIMEOGRAPH PAPER, DUPLICATOR PAPER, AND RELATED TYPES OF CELLULOSIC MATERIAL CONTAINING NOT MORE THAN TEN PERCENT (10%) BY WEIGHT OR VOLUME OF NONCELLULOSIC MATERIAL SUCH AS LAMINATES, BINDERS, COATINGS, OR SATURANTS.

PLASTIC. A CLASS OF COMPOUNDS COMPOSED OF SYNTHETIC THERMOPLASTIC POLYMERIC MATERIAL. INCLUDES NARROW AND WIDE MOUTH FOOD AND BEVERAGE CONTAINERS LABELED #1, #2, #3, #4, #5, #6, OR #7. EXPRESSLY EXCLUDES PLASTIC BAGS/FILM AND FOAM TRAYS, CUPS, PLATES, BOWLS, AND ALL FOAM PACKAGING MATERIAL, ALSO KNOWN AS EXPANDED POLYSTYRENE.

RECYCLABLE MATERIALS. MATERIALS REQUIRED TO BE SOURCE SEPARATED AND PLACED FOR COLLECTION AS REQUIRED BY §161-3 INCLUDE:

BRUSH

CARDBOARD

ELECTRONICS

GLASS CONTAINERS

METAL, INCLUDING ALUMINUM, STEEL, AND TIN CONTAINERS AND CANS, ALUMINUM FOIL, AND ALUMINUM BAKING PANS

MIXED PAPER

NEWSPAPER

PLASTIC CONTAINERS (#S 1-7)

YARD TRIM

RECYCLING. THE PROCESS BY WHICH MATERIALS, THAT WOULD OTHERWISE BECOME SOLID WASTE, ARE COLLECTED, SEPARATED, OR PROCESSED, AND RETURNED TO THE ECONOMIC MARKETPLACE IN THE FORM OF RAW MATERIALS OR PRODUCTS.

RESIDENT. A PERSON RESIDING WITHIN THE CITY ON A PERMANENT OR TEMPORARY BASIS.

SCAVENGING. REMOVING RECYCLABLE MATERIALS FROM A DESIGNATED RECYCLING CONTAINER OR AREA WITHOUT APPROVAL FROM THE OWNER OR OPERATOR OF THE RECYCLING OPERATION DESIGNATED TO RECOVER AND PROCESS THE MATERIALS.

SOLID WASTE. ALL WASTE MATERIAL, COMBUSTIBLE OR NONCOMBUSTIBLE, FROM ALL PUBLIC AND PRIVATE ESTABLISHMENTS AND RESIDENCES. SOLID WASTE INCLUDES TRASH, GARBAGE, RUBBISH, OFFAL, AND OTHER REFUSE, BUT NOT BODY EXCREMENTS.

SOURCE SEPARATION. THE ACT OF SEPARATING RECYCLABLE MATERIALS FROM SOLID WASTES FOR THE PURPOSE OF COLLECTION, DISPOSITION, REUSE, COMPOSTING, AND RECYCLING.

YARD TRIM. ORGANIC, VEGETATIVE TRIM TYPICALLY CONSISTING OF LEAVES, GRASS CLIPPINGS, WEEDS, THATCH, AND SIMILAR SOFT VEGETATIVE MATERIAL.

§161-3. DUTIES OF OWNERS AND OCCUPANTS RECEIVING CITY SOLID WASTE COLLECTION SERVICES.

- A. ALL RESIDENTS OF, AND OWNERS OF PROPERTY WITHIN, THE CITY WHO RECEIVE SOLID WASTE COLLECTION SERVICES FROM THE CITY SHALL SOURCE SEPARATE RECYCLABLE MATERIALS FROM SOLID WASTE.

- B. RECYCLABLE MATERIALS (EXCEPT ELECTRONICS AND YARD TRIM) SHALL BE PLACED IN A CITY-ISSUED CART. CARDBOARD SHALL BE FLATTENED AND CUT TO SIZE TO FIT IN THE RECYCLING CART. CARDBOARD QUANTITIES TOO LARGE TO FIT IN THE CART MUST BE FLATTENED, BUNDLED WITH STRING, AND PLACED NEXT TO THE RECYCLING CART. RECYCLABLE MATERIALS SHALL BE PLACED LOOSE IN THE RECYCLING CART AND NOT IN BAGS. CONTAINERS SHALL BE EMPTIED, RINSED OUT AND FREE OF RESIDUE PRIOR TO PLACEMENT IN THE CART FOR COLLECTION. RESIDENTS MAY REQUEST ADDITIONAL CARTS FROM THE DIRECTOR OF PUBLIC WORKS TO CONTAIN ALL ROUTINELY ACCUMULATING RECYCLABLE MATERIALS BETWEEN COLLECTIONS. FILLED CARTS SHALL NOT WEIGH MORE THAN 75 POUNDS.
- C. ALL RECYCLING CARTS SHALL BE PLACED AT THE CURBSIDE BY 7:00 A.M. ON SCHEDULED RECYCLING COLLECTION DAYS BUT NOT MORE THAN TWENTY-FOUR (24) HOURS PRIOR TO 7:00 A.M. ON THE SCHEDULED COLLECTION DAY DESIGNATED FOR THE AREA IN WHICH THE PROPERTY IS LOCATED. CARTS SHALL BE PLACED, WHERE POSSIBLE, ONLY ON THE GRASS ADJACENT TO THE CURB. IT IS ADVISED TO KEEP CARTS AT LEAST THREE FEET APART FROM EACH OTHER, UTILITY POLES, FENCES, FIRE HYDRANTS AND OTHER STRUCTURES. CARTS THAT ARE BLOCKED BY VEHICLES OR OTHER OBSTRUCTIONS WILL NOT BE COLLECTED. CARTS SHALL BE REMOVED FROM THE CURB PRIOR TO 12:00 MIDNIGHT ON RECYCLING COLLECTION DAYS. CARTS SHALL BE STORED ON EACH PROPERTY AT THE REAR OR SIDE IN SUCH A MANNER AS NOT TO BE VISIBLE FROM THE PUBLIC RIGHT-OF-WAY IN FRONT OF THE RESIDENCE.
- D. PREMISES WITH NO RESIDENT PHYSICALLY ABLE TO PLACE AND REMOVE BINS FROM THE CURB MAY REQUEST AN EXEMPTION FROM THESE REQUIREMENTS BY FILING AN ANNUAL APPLICATION WITH THE DIRECTOR OF PUBLIC WORKS.
- E. CARTS SHALL ONLY BE USED FOR COLLECTION OF RECYCLABLE MATERIALS, AND WILL BE KEPT CLEAN BY THE RESIDENT.
- F. RESIDENTS PLANNING ON DISPOSING OF ELECTRONICS MUST SOURCE SEPARATE THESE ITEMS FROM OTHER RECYCLABLE MATERIALS AND SOLID WASTE. A PICKUP MUST BE SCHEDULED FOR THESE ITEMS, WHICH SHALL BE PLACED AT THE CURB ON THE SCHEDULED DAY OF COLLECTION. THE CITY HAS DISCRETION WITH RESPECT TO WHICH ITEMS WILL BE COLLECTED FOR ELECTRONICS RECYCLING BASED ON MARKET FACTORS.
- G. WITH THE EXCEPTION OF LEAVES PLACED FOR COLLECTION DURING POSTED COLLECTION PERIODS, YARD TRIM GENERATED BY RESIDENTS SHALL BE PLACED IN PAPER BAGS OR REUSABLE CONTAINERS AS APPROVED BY THE CITY, AND PLACED ADJACENT TO THE CURB ON REGULARLY SCHEDULED COLLECTION DAYS. YARD TRIM SHALL BE FREE OF ROCKS, SOIL, TREE BRANCHES AND OTHER SOLID DEBRIS AND NOT WEIGH MORE THAN SEVENTY-FIVE (75) POUNDS. REUSABLE

CONTAINERS MUST DISPLAY A YELLOW YARD TRIM DECAL PROVIDED BY THE CITY AT NO CHARGE.

- H. BRUSH, SUCH AS BRANCHES, LIMBS, STICKS, TWIGS, AND SIMILAR WOODY MATERIAL, SHALL BE PACKED IN BUNDLES TIED WITH ROPE, TWINE OR STRING, OR PLACED IN PAPER BAGS OR REUSABLE CONTAINERS AND SHOULD BE NO MORE THAN FIVE (5) FEET IN LENGTH AND NOT WEIGHING MORE THAN SEVENTY-FIVE (75) POUNDS. BUNDLED ITEMS TIED WITH WIRE WILL NOT BE COLLECTED. TREE STUMPS, TRUNKS AND LIMBS GREATER THAN TWELVE (12) INCHES IN DIAMETER WILL NOT BE COLLECTED.
- I. LOOSE LEAVES MAY BE PLACED AT THE CURB DURING POSTED COLLECTION PERIODS. LEAF PILES SHALL BE PLACED AWAY FROM STORM DRAINS AND BE FREE OF ROCKS, WIRE, VINES, OR OTHER SOLID DEBRIS. LEAVES SHALL BE BAGGED AT ALL OTHER TIMES DURING NON-POSTED COLLECTION PERIODS.
- J. ALL RECYCLABLE MATERIALS SHALL BE PLACED INSIDE THE RECYCLING CART, EXCEPT AS OTHERWISE STATED IN THIS CHAPTER. RECYCLABLE MATERIALS PLACED ON THE GROUND OR IN UNAPPROVED CONTAINERS WILL NOT BE COLLECTED BY THE CITY. FILLED CARTS SHALL NOT WEIGH MORE THAN 75 POUNDS.

#### §161-4. CITY'S RIGHT TO REFUSE PICKUP.

THE CITY RESERVES THE RIGHT TO REFUSE COLLECTION OF MATERIALS IF THE PUBLIC WORKS DIRECTOR OR OTHER CITY STAFF DETERMINE THAT MATERIALS BEING PLACED FOR CURBSIDE PICKUP ARE UNACCEPTABLE OR IMPROPERLY PREPARED OR CONTAINED PER THE PROVISIONS OF THIS CHAPTER. THE CITY WILL PROVIDE THE RESIDENT WITH A NOTICE EXPLAINING THE INFRACTION. THE RESIDENT WILL THEN BE RESPONSIBLE FOR REMOVING THE MATERIALS FROM THE CURB OR OTHER LOCATION AND PREPARING MATERIALS TO MAKE THEM APPROPRIATE FOR COLLECTION.

#### 161-5. USED MOTOR OIL RECYCLING.

A RECEPTACLE FOR RECYCLING USED MOTOR OIL ONLY IS PROVIDED YEAR ROUND AT THE PUBLIC WORKS FACILITY AND IS AVAILABLE AT ALL TIMES. OIL SHALL BE DEPOSITED IN ACCORDANCE WITH DIRECTIONS POSTED AT THE FACILITY BY THE CITY. DISPOSAL OF ANY OTHER ITEMS AT THE FACILITY SHALL CONSTITUTE ILLEGAL DUMPING.

#### 161-6. COLLECTION BY UNAUTHORIZED PERSONS.

IT SHALL BE UNLAWFUL FOR ANY PERSON WHO IS NOT AUTHORIZED BY THE CITY TO RECOVER, SALVAGE, SCAVENGE OR OTHERWISE REMOVE, OR CAUSE

TO BE SALVAGED, SCAVENGED, OR REMOVED, ANY RECYCLABLE MATERIAL FROM ANY BIN OR CONTAINER PLACED FOR CITY COLLECTION.

§161-7. ACCEPTABLE MATERIAL.

A CITY RESIDENT OR OWNER MAY ONLY PLACE FOR COLLECTION RECYCLABLE MATERIALS GENERATED AT THE PROPERTY LOCATED IN THE CITY THAT THE PERSON OWNS, OR AT WHICH THE PERSON RESIDES.

§161-8. VIOLATIONS AND PENALTIES.

ANY PERSON VIOLATING ANY OF THE PROVISIONS OF THIS CHAPTER SHALL BE GUILTY OF A MUNICIPAL INFRACTION AND IS SUBJECT TO THE PENALTY PROVIDED IN CHAPTER 110, FEES, AND PENALTIES, OF THIS CODE.

**Section 3. BE IT FURTHER ORDAINED AND ENACTED**, that Chapter 110, Fees and Penalties, §110-2, “Penalties”, be repealed, reenacted and amended to read as follows:

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Ch. 161 Recycling  
 [Art. 1, Newspapers]

§161-6	COLLECTION BY UNAUTHORIZED PERSON REMAINDER OF CHAPTER	\$100 <del>[\$10.00]</del>	\$100 \$25
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**Section 4. BE IT FURTHER ORDAINED** by the Mayor and Council of the City of College Park that, upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall publish this proposed ordinance or a fair summary thereof in a newspaper having a general circulation in the City of College Park together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council. The public hearing, hereby set for 7:15 p.m. on the 10<sup>th</sup> day of February, 2015, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall

have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. As soon as practicable after adoption, the City Clerk shall have a fair summary of the Ordinance and notice of its adoption published in a newspaper having a general circulation in the City of College Park and available at the City's offices. This Ordinance shall become effective on \_\_\_\_\_, 2015, provided that a fair summary of this Ordinance is published at least once prior to the date of passage and once as soon as practical after the date of passage in a newspaper having general circulation in the City.

**INTRODUCED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the 13<sup>th</sup> day of January, 2015.

**ADOPTED** by the Mayor and Council of the City of College Park, Maryland at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2015.

**EFFECTIVE** the \_\_\_\_\_ day of \_\_\_\_\_, 2015.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Andrew M. Fellows, Mayor

**APPROVED AS TO FORM AND  
LEGAL SUFFICIENCY:**

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney