

# Work Session

<b>Agenda Item #</b>	5
<b>Meeting Date</b>	February 24, 2016
<b>Prepared By</b>	Kenneth Sigman Assistant City Attorney
<b>Approved By</b>	Suzanne R. Ludlow City Manager

<b>Discussion Item</b>	Amendment to the Takoma Park Code, Title 8, Business, to restrict the use of disposable plastic shopping bags
<b>Background</b>	<p>The use of disposable plastic shopping bags contributes to surface litter, interferes with stormwater management facilities, consumes natural resources, and increases solid waste production.</p> <p>The attached proposal generally would prohibit shops and restaurants in the City from distributing disposable plastic bags to customers for the transport of food and merchandise. The proposal would allow retailers to provide disposable plastic bags to customers for some items, including bulk food and hardware, frozen foods, prescription drugs, flowers, potted plants, bakery goods, newspapers and dry cleaning.</p> <p>The proposal would allow retailers to distribute paper bags or reusable plastic bags, and customers could use their own bags when shopping.</p>
<b>Policy</b>	The City seeks to further environmental sustainability.
<b>Fiscal Impact</b>	Unknown at this time.
<b>Attachments</b>	<ul style="list-style-type: none"> <li>• Draft ordinance</li> <li>• Committee on the Environment comments</li> </ul>
<b>Recommendation</b>	Discuss the proposed ordinance.
<b>Special Consideration</b>	

Introduced by:

First Reading:  
Second Reading:  
Effective Date:

**CITY OF TAKOMA PARK, MARYLAND**

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**ORDINANCE 2016-XX**

**AMENDING THE *TAKOMA PARK CODE*, TITLE 8, BUSINESS, TO RESTRICT THE  
COMMERCIAL USE OF PLASTIC SINGLE-USE CARRYOUT BAGS**

WHEREAS, Takoma Park’s Strategic Plan for FY2010 - 15, adopted May 18, 2009, articulates concern for clean water and safe neighborhoods and working environments and calls for “use of alternative, less environmentally damaging products”; and

WHEREAS, as of July 1, 2015, Takoma Park residents can no longer recycle plastic bags through the City’s recycling collection; and

WHEREAS, nearly 90 US cities restrict the use of plastic bags; and

WHEREAS, a 2010 report commissioned by the City of Los Angeles, California, identified “short and long term adverse effects to marine ecosystems, solid waste management, global resource consumption and litter” from the use of disposable plastic bags.

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

**SECTION 1.** Title 8, Business, of the *Takoma Park Code* shall be amended to include the following:

**CHAPTER 8.48**  
**DISPOSABLE PLASTIC BAGS**

**8.48.010 Definitions.**

As used in this chapter:

31 “Disposable plastic carryout bag” means a plastic bag provided by a retail establishment to a  
32 customer at the point of sale pickup, or delivery, to carry purchased items, but does not include a  
33 durable plastic bag with handles that is designed and manufactured for multiple reuses.

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35 “Retail establishment” means any person engaged in the retail sale of goods. Retail  
36 establishment includes any supermarket, convenience store, shop, service station, or restaurant,  
37 and any other sales outlet where a customer can buy goods.

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39 **8.48.020 Disposable plastic bag use prohibited.**

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41 A. Except as provided in subsection B of this section, retail establishments shall not  
42 distribute disposable plastic carryout bags to a customer at the point of sale.

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44 B. Exceptions.

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46 1. This section does not apply to a bag used to:

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48 a. package bulk items, including vegetables, fruit, nuts, grains, candy, or  
49 small hardware items;

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51 b. contain or wrap frozen foods, meat, or fish, whether prepackaged or not;

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53 c. contain or wrap flowers, potted plants, or other damp items;

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55 d. hold prescription drugs provided by a pharmacist;

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57 e. contain unwrapped prepared foods or bakery goods; or

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59 f. contain a newspaper or dry cleaning.

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61 2. This section does not apply to plastic bags sold in packages containing multiple  
62 plastic bags intended for use as garbage bags, pet waste bags, or yard waste bags.

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64 **8.48.030 Administration and enforcement.**

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66 A. The City Manager shall provide notice of the restrictions of this Chapter and educational  
67 materials regarding compliance to retail establishments at least ninety days before it becomes  
68 effective.

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70 B. Violation of this section constitutes a class D municipal infraction.

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72 C. Distribution of one or more plastic disposable carryout bags to a customer at a single  
73 point of sale is a single violation.

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75 D. A penalty shall not be imposed on a store more than once within a 7-day period.

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77 E. The City Manager may adopt regulations to implement and enforce this Chapter.

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79 **SECTION 2.** This Ordinance will be effective October 1, 2016.

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81 ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS  
82 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2015, BY ROLL - CALL VOTE AS FOLLOWS:

83  
84 AYE:

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86 NAY:

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88 ABSENT:

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90 ABSTAIN:

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**From:** Cindy Dyballa <c\_dyballa@yahoo.com>  
**To:** Jessie Carpenter <jessiec@takomaparkmd.gov>, Email  
<jarrett.smith@gmail.com>  
**Date:** Sunday, January 10, 2016  
**Subject:** COE comments on proposed single use bag ban

Jessie, can you please see that the Mayor and Council members receive this before the work session on this proposal from Council member Smith. Thanks, Cindy Dyballa, co-chair, Committee on the Environment

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To Mayor Stewart and Council members,

The Takoma Park Committee on the Environment (COE) endorses the ban on disposable single-use carryout bags proposed by Council member Smith. The COE has reviewed the proposed ban, as well as previous proposals and requirements in other places. The COE likes the simplicity of the current proposal. The COE notes that besides the environmental benefits of a single-use bag ban, plastic bag recycling is not possible at this time through the City of Takoma Park, and litter is a concern in several neighborhoods. The COE supports including the farmers market, with an implementation date that allows time for compliance, and seeks to clarify that all City businesses, such as the bakery and the florist, are included.