

# Work Session

<b>Agenda Item #</b>	7
<b>Meeting Date</b>	April 27, 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, restaurants, and farmers' market vendors 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 shopping 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. Costs will be incurred for education and enforcement of this ordinance.
<b>Attachments</b>	Draft ordinance; summary of potential revisions.
<b>Recommendation</b>	Discuss the proposed ordinance and potential revisions.
<b>Special Consideration</b>	

**SUMMARY OF PROPOSED AND POTENTIAL REVISIONS TO ORDINANCE  
PROHIBITING RETAILERS FROM DISTRIBUTING PLASTIC BAGS**

**CITY OF TAKOMA PARK CITY COUNCIL WORK SESSION  
APRIL 27, 2016**

1. Proposed revisions based upon the City Council's input at the February 3, 2016 work session.
  - a. Added a "whereas" clause noting that plastic newspaper and dry-cleaning bags are detrimental to the environment and encouraging the use of alternative packaging when it becomes available.
  - b. In section 8.48.020, clarified that the proposed ordinance does not prohibit retailers from selling packages of plastic bags to consumers for any type of home use.
2. Potential additional amendments based on public input.
  - a. It has been suggested that we prohibit retailers from distributing reusable plastic bags in addition to disposable plastic bags, so that retailers that sell or give out reusable shopping bags would have to provide only cloth or fabric shopping bags.
  - b. It has been suggested that we require that retailers provide only paper or certified compostable plastic bags for bulk purchases, rather than allowing the use of regular disposable plastic bags for bulk purchases as the ordinance currently provides.
  - c. It has been suggested that we expressly include farmers' market vendors in the definition of retail establishments so that it is clear that the prohibition upon the distribution of plastic shopping bags applies to farmers' markets just like other retailers.

Introduced by:

First Reading:  
Second Reading:  
Effective Date:

**CITY OF TAKOMA PARK, MARYLAND**

**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; 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; and

WHEREAS, the City Council recognizes that plastic newspaper and dry-cleaning bags will continue to have an adverse impact on the environment and intends to encourage the use of a more environmentally friendly alternative to such bags when it becomes available.

**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.**

32 As used in this chapter:

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

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

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42 **8.48.020 Disposable plastic bag use prohibited.**

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

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47 B. Exceptions.

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

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

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

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

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58 d. hold prescription drugs provided by a pharmacist;

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

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62 f. contain a newspaper or dry cleaning.

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64 2. This section does not prohibit the sale of packages of multiple plastic bags for use  
65 by the consumer.

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67 **8.48.030 Administration and enforcement.**

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69 A. The City Manager shall provide notice of the restrictions of this Chapter and educational  
70 materials regarding compliance to retail establishments at least ninety days before it becomes  
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- B. Violation of this section constitutes a class D municipal infraction.
- C. Distribution of one or more plastic disposable carryout bags to a customer at a single point of sale is a single violation.
- D. A penalty shall not be imposed on a store more than once within a 7-day period.
- E. The City Manager may adopt regulations to implement and enforce this Chapter.

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

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

- AYE:
- NAY:
- ABSENT:
- ABSTAIN: