

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:

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84 AYE:

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86 NAY:

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88 ABSENT:

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90 ABSTAIN:

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