

Work Session

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| Agenda Item # | 9 |
| Meeting Date | May 11, 2016 |
| Prepared By | Kenneth Sigman Assistant City Attorney |
| Approved By | Suzanne R. Ludlow City Manager |

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| Discussion Item | Amendment to the Takoma Park Code, Title 8, Business, to restrict the use of disposable plastic shopping bags |
| Background | <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 after purchase. The proposal would allow retailers to provide certified compostable plastic bags to customers for some items, including bulk food and hardware, frozen foods, prescription drugs, flowers, potted plants, and bakery goods, and would allow plastic newspaper and dry cleaning bags.</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> <p>The proposal requires the Mayor and City Council to review the City’s policy every two years to determine whether amendments are appropriate to reduce adverse effects or improve environmental protections.</p> |
| Policy | The City seeks to further environmental sustainability. |
| Fiscal Impact | Unknown at this time. Costs will be incurred for education and enforcement of this ordinance. |
| Attachments | Draft ordinance; summary revisions since the April 27, 2016 work session discussion. |
| Recommendation | Discuss the proposed ordinance and potential revisions. |
| Special Consideration | |

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

**CITY OF TAKOMA PARK CITY COUNCIL WORK SESSION
May 11, 2016**

In accordance with the direction of the Mayor and City Council at the April 27, 2016 Work Session, the attached draft ordinance includes the following revisions:

1. Section 8.48.020(B)(1) was amended to allow retailers to provide only certified compostable plastic bags to customers to contain bulk purchases, frozen food, meat, fish, flowers, plants, prescription drugs, and prepared foods.
2. Section 8.48.020(B)(4) was amended to exempt farmers market vendors from the restriction on disposable plastic carryout bags.
3. Section 8.48.040 was added to require the Council to review the City's policy on plastic bags every two years.

The following document shows changes to the version presented to the Council on April 27, 2016. Additions are underlined and deletions are in ~~striketrough~~.

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 encourages~~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.

As used in this chapter:

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. ~~1.~~ This section does not apply to compostable plastic bags that

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51 a. meet the ASTM D6400 standard;

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53 b. are certified for compostability by the Biodegradable Products Institute and
54 display the BPI logo; and

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56 c. ~~area bag~~ used for the following purposes:

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58 to:

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60 i. ~~a.~~ package bulk items, including vegetables, fruit, nuts, grains, candy,
61 or small hardware items;

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63 ii. ~~b.~~ contain or wrap frozen foods, meat, or fish, whether prepackaged
64 or not;

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66 iii. ~~e.~~ contain or wrap flowers, potted plants, or other damp items;

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68 iv. ~~d.~~ hold prescription drugs provided by a pharmacist; or

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70 v. ~~e.~~ contain unwrapped prepared foods or bakery goods; ~~or~~

71

72 f. ~~contain a newspaper or dry cleaning.~~

73

74 2. ~~2.~~ This section does not prohibit the sale of packages of multiple plastic bags
75 for use by the consumer.

76
77 3. This section does not apply to bags containing dry cleaning or bags containing
78 newspapers delivered to a consumer by the newspaper's publisher or the
79 publisher's agent.

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81 4. This section does not apply to vendors at farmers markets.

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83 **8.48.030 Administration and enforcement.**

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

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

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

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

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

97
98 **8.48.040 Biennial review.**

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100 The Mayor and City Council shall conduct a review of this Chapter in every even numbered year
101 commencing in 2018 to determine whether scientific research, product development, or the
102 impact of this Chapter upon businesses or consumers warrant amendments to provide further
103 protection to the environment or to reduce adverse impacts upon businesses and consumers

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

106
107 ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS
108 _____ DAY OF _____ 2016~~5~~, BY ROLL - CALL VOTE AS
109 FOLLOWS:

110 AYE:

111 NAY:

112 ABSENT:

113 ABSTAIN: