



## **Takoma Park City Council Meeting – May 18, 2016 Agenda Item 7**

### **Voting Session**

Ordinance Restricting Retailers' Use of Disposable Plastic Bags

### **Recommended Council Action**

Vote on Ordinance at first reading.

### **Context With Key Issues**

The use of disposable plastic bags contributes to surface litter, interferes with stormwater management facilities, consumes natural resources, and increases solid waste production.

The Ordinance generally prohibits shops and restaurants in the City from distributing any type of disposable plastic bags to customers for the transport of food and merchandise after purchase. It allows retailers to provide certified compostable plastic bags to consumers to contain certain goods, including raw food, bulk items, damp items, and prescription drugs. It does not restrict the use of plastic newspaper and dry cleaning bags.

Under the Ordinance, retailers may continue to distribute paper bags or reusable shopping bags, and customers could use their own bags when shopping.

Farmers market vendors are exempt from the restrictions on disposable plastic bags for one year.

The Ordinance requires the Mayor and City Council to review the City's policy regarding plastic bags every two years to determine whether amendments are appropriate to reduce adverse effects or improve environmental protections.

### **Council Priority**

Environmentally Sustainable Community

### **Environmental Impact of Action**

This ordinance will reduce litter, non-biodegradable solid waste, and consumption of petroleum products.

### **Fiscal Impact of Action**

This Ordinance will require a public education campaign and may require enforcement via municipal infraction citations. The cost of enforcement would be partially offset by revenue from fines.

### **Attachments and Links**

- Draft Ordinance showing revisions per the May 11, 2016 Work Session.
- Clean version of Draft Ordinance.

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 the use of a more environmentally friendly alternative to such bags whenever possible.

**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:

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

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

42

43 **8.48.020 Disposable plastic bag use prohibited.**

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

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48 B. Exceptions.

49

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

51

52 a. are provided within a retail establishment prior to the point of sale;

53

54 ~~a-b.~~ meet the ASTM D6400 standard;

55

56 ~~b-c.~~ are certified for compostability by the Biodegradable Products Institute and  
57 display the BPI logo; and

58

59 ~~e.~~ are used for the following purposes:

60

61 i. to contain raw or package bulk items, including vegetables, fruit, nuts,  
62 grains, candy, or small hardware items, unwrapped prepared foods or  
63 bakery goods;

64

65 ii. contain or wrap frozen foods, meat, ~~or~~ fish, ~~whether prepackaged or~~  
66 ~~not;~~

67

68 iii. contain or wrap flowers, potted plants, or other damp items, or;

69

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

71

72 ~~v-d.~~ contain unwrapped prepared foods or bakery goods.

73

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

80

81 4. This section ~~shall~~does not apply to vendors at farmers markets until October 1,

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83

84 **8.48.030 Administration and enforcement.**

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

89

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

91

92 C. Distribution of one or more ~~plastic~~-disposable ~~plastic~~carryout bags to a customer in  
93 connection with a single ~~transaction point of sale~~ is a single violation.

94

95 D. A penalty shall not be imposed on ~~an individual retail establishment~~a store more than  
96 once within a 7-day period.

97

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

99

100 **8.48.040 Biennial review.**

101

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

106

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

108

109 ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS  
110 \_\_\_\_\_ DAY OF \_\_\_\_\_ 2016, BY ROLL - CALL VOTE AS FOLLOWS:

111 AYE:

112 NAY:

113 ABSENT:

114 ABSTAIN:

**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 BAGS**

WHEREAS, the City Council established making Takoma Park an environmentally sustainable community as one of its 2016 priorities; 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 bags will continue to have an adverse impact on the environment and encourages the use of a more environmentally friendly alternative to such bags whenever possible.

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52 b. meet the ASTM D6400 standard;

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

56

57 d. are used to contain raw or bulk items, including vegetables, fruit, nuts, grains,  
58 candy, or small hardware items, unwrapped prepared foods or bakery goods,  
59 frozen foods, meat, fish, flowers, potted plants, or other damp items, or  
60 prescription drugs.

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100 ABSENT:

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