



Takoma Park City Council Meeting – June 15, 2016 Agenda Item 7

Work Session

Ordinance restricting retailers' use of disposable plastic bags

Recommended Council Action

Discuss Ordinance.

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 disposable plastic bags to consumers prior to the point of sale 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 may use their own bags when shopping.

Farmers market vendors are exempt from the restrictions on disposable plastic bags for one year. Commencing December 1, 2017, farmers market vendors will be prohibited from distributing disposable plastic bags at the point of sale unless such bags are certified as compostable.

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

- Ordinance
- Joint letter from the Takoma Park Farmers Market and Trash Free Maryland

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; and

WHEREAS, the City Council directs City staff to work with farmers markets in the City to develop a pilot program for the use of compostable 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:

“Compostable plastic bag” means a plastic bag that meets the ASTM D6400 standard and is certified for for compostability by the Biodegradable Products Institute and display the BPI logo.

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“Disposable plastic bag” means a plastic bag, whether or not compostable, provided by a retail establishment to a customer in the establishment 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.

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

8.48.020 Disposable plastic bag use prohibited at point of sale.

A. Except as provided in subsection B of this section, retail establishments shall not provide disposable plastic bags to customers at the point of sale.

B. Exceptions.

1. This section does not apply to disposable plastic bags containing dry cleaning or newspapers delivered to a consumer by the newspaper’s publisher or the publisher’s agent.
2. This section does not prohibit the sale of packages of multiple plastic bags for use by the consumer.
3. Farmers market vendors may provide compostable disposable plastic bags to customers at the point of sale.

8.48.030 Plastic bag use permitted prior to point of sale.

Retail establishments may provide disposable plastic bags to customers prior to the point of sale to contain raw or bulk items, including vegetables, fruit, nuts, grains, candy, or small hardware items, unwrapped prepared foods or bakery goods, frozen foods, meat, fish, flowers, potted plants, or other damp items, or prescription drugs.

8.48.040 Administration and enforcement.

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

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

80 C. Distribution of one or more disposable plastic bags to a customer in connection with a
81 single transaction is a single violation.

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83 D. A penalty shall not be imposed on an individual retail establishment more than once
84 within a 7-day period.

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

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88 **8.48.050 Biennial review.**

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

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95 **8.48.060 Farmers markets exempt until December 1, 2017.**

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97 This Chapter shall not apply to vendors at farmers markets until December 1, 2017.

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

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101 ADOPTED BY THE COUNCIL OF THE CITY OF TAKOMA PARK, MARYLAND, THIS
102 _____ DAY OF _____ 2016, BY ROLL - CALL VOTE AS FOLLOWS:

103 AYE:

104 NAY:

105 ABSENT:

106 ABSTAIN:



May 31, 2016

Dear Mayor and City Council -

The Takoma Park Farmers Market and Trash Free Maryland would like to commend you on your efforts to reduce the use of plastic bags in the community with the proposed Takoma Park plastic bag ban.

As you continue to consider the content of the ordinance, our two organizations would like to jointly state the following on the subject:

1. Both organizations support allowing compostable handled bags as an acceptable alternative to plastic bags, especially in Takoma Park given the City of Takoma Park's municipal composting program which already permits their usage and provides an industrial-scale outlet for recycling. These bags should still be subject to the five-cent fee imposed at retailers regulated by the Montgomery County bag law. Pursuant to Montgomery County's existing bag law, compostable bags at the farmers market or other occasional vendor would continue to be exempt from the five-cent fee.
2. Both organizations support not regulating pre-point of sale bags (produce bags and others) and leaving them out of legislation.
3. Both organizations recognize the unique format of a farmers market which includes the following customer shopping habits:
 - a. Customers regularly fill a single handled bag with multiple items (during pre-check out selection).
 - b. Customers may fill a single handled bag with contents from purchases from multiple vendors.

Because of these shopping scenarios, there is concern that eliminating the compostable handled bag option may in fact result in additional bag usage pre-check out as customers fill multiple produce bags with purchases as opposed to one compostable handled bag.

In addition, Trash Free Maryland encourages the Takoma Park Farmers Market to educate shoppers on how to dispose of compostable bags, particularly non-residents who do not have access to a curbside municipal composting program.

We appreciate your continued work on this matter and your willingness to listen to our two organization's suggestions and concerns.

Sincerely,

Laura Barclay
On behalf of the
Takoma Park Farmers Market

Julie Lawson
Executive Director
Trash Free Maryland