



## Takoma Park City Council Meeting – July 27, 2016 Agenda Item 3

### **Voting Session**

Second Reading Ordinance restricting retailers' use of disposable plastic bags.

### **Recommended Council Action**

Adopt the ordinance at second 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 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.

Note that paper bags and disposable plastic bags provided at the point of sale will continue to be subject to the Montgomery County five cent bag fee.

### **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

Introduced by: Councilmember Smith

First Reading: July 13, 2016

Second Reading:

Effective Date:

**CITY OF TAKOMA PARK, MARYLAND**

**ORDINANCE 2016-31**

**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:

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

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39 “Disposable plastic bag” means a plastic bag, whether or not compostable, provided by a retail  
40 establishment to a customer in the establishment or upon delivery to contain or carry purchased  
41 items, but does not include a durable plastic bag with handles that is designed and manufactured  
42 for multiple reuses.

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

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48 **8.48.020 Disposable plastic bag use prohibited at point of sale.**

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

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53 B. Exceptions.

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55 1. This section does not apply to disposable plastic bags containing dry cleaning nor  
56 to newspapers delivered to a consumer by the newspaper’s publisher or the  
57 publisher’s agent.

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

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62 C. Farmers market vendors may provide compostable disposable plastic bags to customers  
63 at the point of sale.

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65 **8.48.030 Plastic bag use permitted prior to point of sale.**

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

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72 **8.48.040 Administration and enforcement.**

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

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

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

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

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

**8.48.050 Biennial review.**

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

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

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

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

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

- A YE:
- NAY:
- ABSENT:
- ABSTAIN: