

Introduced by: Councilmember Smith

First Reading: July 13, 2016
Second Reading: July 27, 2016
Effective Date: December 1, 2016

**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:

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

“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 subsections B and C 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 nor to 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.

C. 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.
- 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 27TH DAY OF JULY, 2016, BY ROLL - CALL VOTE AS FOLLOWS:

AYE: Mayor Stewart, Councilmembers Kovar, Qureshi, Seamens, Smith, Schultz
NAY: None
ABSENT: Councilmember Male
ABSTAIN: None