

**CITY OF BALTIMORE
COUNCIL BILL 15-0469
(First Reader)**

Introduced by: Councilmembers Henry, Curran, Clarke, Scott, Branch

Introduced and read first time: January 12, 2015

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental Control Board, Department of Finance, Commission on Sustainability, Police Department, Baltimore Development Corporation

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Plastic Bag Reduction**

3 FOR the purpose of prohibiting certain dealers from supplying customers with plastic bags for use
4 as checkout or carryout bags; authorizing certain exemptions; defining certain terms;
5 imposing certain civil and criminal penalties; repealing the Plastic Bag Reduction Program;
6 and providing for a special effective date.

7 BY repealing

8 Article 15. Licensing and Regulation

9 Subtitle 16. Plastic Bag Reduction

10 Baltimore City Code

11 (Edition 2000)

12 BY adding

13 Article 7. Natural Resources

14 Subtitle 62. Plastic Bag Reduction

15 Baltimore City Code

16 (Edition 2000)

17 BY repealing and reordaining, with amendments

18 Article 1. Mayor, City Council, and Municipal Agencies

19 Section 40-14(e)(.5a)

20 Baltimore City Code

21 (Edition 2000)

22 BY repealing

23 Article 1. Mayor, City Council, and Municipal Agencies

24 Section 40-14(e)(2)(“Subtitle 16. Plastic Bag Reduction”)

25 Baltimore City Code

26 (Edition 2000)

27 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That**
28 City Code Article 15, Subtitle 16, is repealed, in its entirety.

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 **§ 62-3. PROHIBITED CONDUCT.**

2 EXCEPT AS PROVIDED IN § 62-4 {"EXEMPTIONS"} OF THIS SUBTITLE, NO DEALER MAY SUPPLY
3 CUSTOMERS WITH PLASTIC BAGS FOR USE AS CHECKOUT OR CARRYOUT BAGS.

4 **§ 62-4. EXEMPTIONS.**

5 (A) *BAGS FOR CERTAIN PRODUCTS.*

6 (1) SUBJECT TO THE SIZE LIMITATIONS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION,
7 THIS SUBTITLE DOES NOT APPLY TO A PLASTIC BAG SOLELY USED TO CONTAIN:

8 (I) FRESH FISH AND FRESH FISH PRODUCTS;

9 (II) FRESH MEAT AND FRESH MEAT PRODUCTS;

10 (III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;

11 (IV) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;

12 (V) OTHERWISE UNPACKAGED CONFECTIONERY;

13 (VI) DAIRY PRODUCTS;

14 (VII) ICE;

15 (VIII) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET; OR

16 (IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY.

17 (2) TO QUALIFY FOR AN EXEMPTION UNDER THIS SUBSECTION, THE BAG MAY NOT BE
18 LARGER THAN:

19 (I) 225 MM WIDE (EXCLUSIVE OF GUSSETS);

20 (II) 345 MM DEEP (INCLUSIVE OF GUSSETS); OR

21 (III) 450 MM LONG (INCLUSIVE OF HANDLES).

22 (B) *REUSABLE BAGS.*

23 THIS SUBTITLE DOES NOT APPLY TO A BAG THAT IS DESIGNED FOR REUSE AND SOLD TO THE
24 CUSTOMER FOR NOT LESS THAN 99¢.

25 **§ 62-5. {RESERVED}**

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§ 62-6. ENFORCEMENT BY CITATION.

(A) *IN GENERAL.*

IN ADDITION TO ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT PROCEDURE, THIS SUBTITLE MAY BE ENFORCED BY ISSUANCE OF AN ENVIRONMENTAL CITATION AS AUTHORIZED BY CITY CODE ARTICLE 1, SUBTITLE 40 {"ENVIRONMENTAL CONTROL BOARD"}.

(B) *PROCESS NOT EXCLUSIVE.*

THE ISSUANCE OF AN ENVIRONMENTAL CITATION DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 62-7. CRIMINAL PENALTIES.

ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$500 OR TO IMPRISONMENT FOR NOT MORE THAN 60 DAYS OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

(e) *Provisions and penalties enumerated.*

(.5a) *Article 7. Natural Resources*

Division I. Floodplain Management	\$500
DIVISION VI. MISCELLANEOUS	
SUBTITLE 62. PLASTIC BAG REDUCTION	\$500

(2) *Article 15. Licensing and Regulation*

...	
[Subtitle 16. Plastic Bag Reduction	
1 st offense	\$250
2 nd offense in same 6-month period	\$500
3 rd or subsequent offense in same 6-month period	\$1,000]
...	

SECTION 3. AND BE IT FURTHER ORDAINED, That the catchlines contained in this Ordinance are not law and may not be considered to have been enacted as a part of this or any prior Ordinance.

SECTION 4. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on July 1, 2015.