

**CITY OF BALTIMORE
COUNCIL BILL 08-0205
(First Reader)**

Introduced by: Councilmembers Kraft, Clarke, Henry
Introduced and read first time: September 15, 2008
Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Health Department, Environmental Control Board, Department of Housing and Community Development, Department of Finance, Commission on Sustainability

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Plastic Bag Reduction**

3 FOR the purpose of prohibiting certain markets and formula retail stores from using certain types
4 of checkout bags; defining certain terms; authorizing civil enforcement action; imposing
5 criminal penalties; and providing for a special effective date.

6 BY adding

7 Article 15 - Licensing and Regulation
8 Section(s) 16-1 to 16-9, to be under the new subtitle,
9 "Subtitle 16. Plastic Bag Reduction"
10 Baltimore City Code
11 (Edition 2000)

12 BY repealing and reordaining, with amendments

13 Article 1 - Mayor, City Council, and Municipal Agencies
14 Section(s) 40-14(e)(2)
15 Baltimore City Code
16 (Edition 2000)

17 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
18 Laws of Baltimore City read as follows:

19 **Baltimore City Code**

20 **Article 15. Licensing and Regulation**

21 **SUBTITLE 16. PLASTIC BAG REDUCTION**

22 **§ 16-1 DEFINITIONS.**

23 (A) *IN GENERAL.*

24 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

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

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1 (B) *FORMULA RETAIL ESTABLISHMENT.*

2 “FORMULA RETAIL ESTABLISHMENT” MEANS ANY RETAIL ESTABLISHMENT THAT HAS 2 OR
3 MORE OF THE FOLLOWING FEATURES IN COMMON WITH 11 OR MORE OTHER RETAIL
4 ESTABLISHMENTS IN THE UNITED STATES:

5 (1) TRADEMARK, SERVICE MARK, LOGO, OR OTHER IDENTIFYING NAME OR SYMBOL;

6 (2) BUSINESS METHOD;

7 (3) MERCHANDISE ARRAY;

8 (4) FACADE OR ARCHITECTURE;

9 (5) DECOR AND COLOR SCHEME;

10 (6) LAYOUT;

11 (7) SIGNAGE; OR

12 (8) UNIFORMS.

13 (C) *MARKET.*

14 “MARKET” MEANS A RETAIL STORE THAT:

15 (1) SELLS A LINE OF DRY GROCERY, CANNED GOODS, OR NONFOOD ITEMS, AS WELL AS
16 SOME PERISHABLE ITEMS; AND

17 (2) HAS GROSS ANNUAL SALES OF \$500,000 OR MORE.

18 (D) *PERSON.*

19 “PERSON” MEANS:

20 (1) AN INDIVIDUAL;

21 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
22 KIND; OR

23 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
24 REPRESENTATIVE OF ANY KIND.

25 (E) *RECYCLABLE.*

26 “RECYCLABLE” MEANS MATERIAL THAT CAN BE SORTED, CLEANSED, AND
27 RECONSTITUTED, USING THE CITY’S AVAILABLE RECYCLING COLLECTION PROGRAMS, FOR
28 THE PURPOSE OF USING THE ALTERED FORM IN THE MANUFACTURE OF A NEW PRODUCT.

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1 (F) *RECYCLABLE PAPER BAG.*

2 “RECYCLABLE PAPER BAG” MEANS A PAPER BAG THAT:

- 3 (1) CONTAINS NO OLD GROWTH FIBER;
- 4 (2) IS 100% RECYCLABLE OVERALL AND CONTAINS A MINIMUM OF 40% POST-
5 CONSUMER RECYCLED CONTENT; AND
- 6 (3) CLEARLY DISPLAYS THE WORDS “REUSABLE” AND “RECYCLABLE” ON THE FRONT
7 OR BACK OF THE BAG.

8 (G) *REUSABLE BAG.*

9 “REUSABLE BAG” MEANS A BAG THAT:

- 10 (1) HAS HANDLES;
- 11 (2) IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE; AND
- 12 (3) EITHER:
 - 13 (I) IS MADE OF CLOTH OR OTHER MACHINE WASHABLE FABRIC; OR
 - 14 (II) IS MADE OF DURABLE PLASTIC AT LEAST 2.25 MILS THICK.

15 **§ 16-2. RULES AND REGULATIONS.**

16 (A) *IN GENERAL.*

17 THE CITY’S SUSTAINABILITY COORDINATOR MAY ADOPT RULES AND REGULATIONS TO
18 CARRY OUT AND ENFORCE THIS SUBTITLE.

19 (B) *FILING.*

20 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE FILED
21 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

22 **§ 16-3. {RESERVED}**

23 **§ 16-4. LIMITATIONS ON CHECKOUT BAGS.**

24 MARKETS AND FORMULA RETAIL ESTABLISHMENTS:

- 25 (1) MAY ELECT NOT TO PROVIDE CUSTOMERS WITH CHECKOUT OR CARRYOUT BAGS; OR
- 26 (2) MAY PROVIDE CUSTOMERS ONLY WITH THE FOLLOWING AS CHECKOUT OR CARRYOUT
27 BAGS:

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1 (I) RECYCLABLE PAPER BAGS; OR

2 (II) REUSABLE BAGS.

3 **§ 16-5. {RESERVED}**

4 **§ 16-6. INJUNCTIVE RELIEF.**

5 THE SUSTAINABILITY COORDINATOR MAY FILE A PETITION IN CIRCUIT COURT, ON BEHALF
6 OF THE MAYOR AND CITY COUNCIL, TO COMPEL COMPLIANCE WITH THIS SUBTITLE OR TO
7 SEEK OTHER LEGAL OR EQUITABLE RELIEF FOR VIOLATIONS OF THIS SUBTITLE.

8 **§ 16-7. ENFORCEMENT BY CITATION.**

9 (A) *IN GENERAL.*

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

14 (B) *PROCESS NOT EXCLUSIVE.*

15 THE ISSUANCE OF AN ENVIRONMENTAL CITATION TO ENFORCE THIS SUBTITLE DOES NOT
16 PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION
17 AUTHORIZED BY LAW.

18 **§ 16-8. {RESERVED}**

19 **§ 16-9. PENALTIES.**

20 (A) *IN GENERAL.*

21 ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR
22 AND, ON CONVICTION, IS SUBJECT TO THE FOLLOWING FINES:

23 (1) FOR A 1ST OFFENSE, \$250;

24 (2) FOR A 2ND OFFENSE IN THE SAME 6-MONTH PERIOD, \$500; AND

25 (3) FOR A 3RD OR SUBSEQUENT OFFENSE IN THE SAME 6-MONTH PERIOD, \$1,000.

26 (B) *EACH DAY A SEPARATE OFFENSE.*

27 EACH DAY IN WHICH A VIOLATION OCCURS IS A SEPARATE OFFENSE.

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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.

(2) Article 15. Licensing and Regulation

SUBTITLE 16. PLASTIC BAG REDUCTIONS

1ST OFFENSE \$ 250

2ND OFFENSE IN SAME 6-MONTH PERIOD \$ 500

3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD \$1,000

§ 17-23. Food vendors - Receptacles; clean-up \$ 100

SECTION 2. 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 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect 6 months after the date it is enacted.