

**CITY OF BALTIMORE
COUNCIL BILL 08-0059
(First Reader)**

Introduced by: Councilmembers Kraft, Henry, D'Adamo, Conaway

Introduced and read first time: March 3, 2008

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Public Works, Department of Finance, Commission on Sustainability

A BILL ENTITLED

AN ORDINANCE concerning

Beverage Containers – Refund Value

FOR the purpose of imposing a refund value on certain nonreusable beverage containers; defining certain terms; requiring certain markings on these beverage containers; requiring dealers and distributors to accept these containers for refund under certain circumstances; imposing penalties; and generally relating to nonreusable beverage containers.

By adding

Article 23 - Sanitation

Section(s) 17-1 through 17-5, to be under the new subtitle,

“Subtitle 17. Beverage Containers”

Baltimore City Code

(Edition 2000)

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

Baltimore City Code

Article 23. Sanitation

SUBTITLE 17. BEVERAGE CONTAINERS

§ 17-1. DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *BEVERAGE.*

“BEVERAGE” MEANS ANY OF THE FOLLOWING IN LIQUID FORM AND INTENDED FOR HUMAN CONSUMPTION:

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

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- 1 (1) WATER;
- 2 (2) ICED TEA;
- 3 (3) SOFT DRINKS; AND
- 4 (4) BEER, ALE, OR OTHER MALT BEVERAGES.

5 (c) *CONSUMER*.

6 “CONSUMER” MEANS ANY PERSON WHO PURCHASES A BEVERAGE IN A NONREUSABLE
7 BEVERAGE CONTAINER, FOR USE OR CONSUMPTION WITHOUT INTENT TO RESELL.

8 (d) *DEALER*.

- 9 (1) “DEALER” MEANS ANY PERSON WHO ENGAGES IN THE SALE OF BEVERAGES IN
10 NONREUSABLE BEVERAGE CONTAINERS TO A CONSUMER.
- 11 (2) “DEALER” INCLUDES ANY MANUFACTURER WHO ENGAGES IN SALES OF THE SORT
12 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

13 (e) *DISTRIBUTOR*.

- 14 (1) “DISTRIBUTOR” MEANS ANY PERSON WHO ENGAGES IN THE SALE OF BEVERAGES IN
15 NONREUSABLE BEVERAGE CONTAINERS TO A DEALER IN THE CITY.
- 16 (2) “DISTRIBUTOR” INCLUDES ANY MANUFACTURER WHO ENGAGES IN SALES OF THE SORT
17 DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION.

18 (f) *MANUFACTURER*.

19 “MANUFACTURER” MEANS ANY PERSON WHO BOTTLES, CANS, OR OTHERWISE FILLS
20 NONREUSABLE BEVERAGE CONTAINERS FOR SALE TO DISTRIBUTORS OR DEALERS.

21 (g) *NONREUSABLE BEVERAGE CONTAINER*.

- 22 (1) “NONREUSABLE BEVERAGE CONTAINER” MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH
23 (2) OF THIS SUBSECTION, ANY INDIVIDUAL, SEPARATE, METAL OR PLASTIC BOTTLE OR
24 CAN THAT:
 - 25 (I) CONTAINS A BEVERAGE; AND
 - 26 (II) IS NOT ORDINARILY COLLECTED FROM CONSUMERS FOR REFILLING WITH A
27 BEVERAGE.
- 28 (2) “NONREUSABLE BEVERAGE CONTAINER” DOES NOT INCLUDE A CONTAINER THAT IS
29 USED FOR A BEVERAGE BEING SOLD FOR ON-PREMISES CONSUMPTION.

1 (h) *PERSON*.

2 (1) "PERSON" MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION:

3 (I) AN INDIVIDUAL;

4 (II) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
5 KIND; OR

6 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
7 OR REPRESENTATIVE OF ANY KIND.

8 . (2) "PERSON" DOES NOT INCLUDE A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR
9 UNIT OF A GOVERNMENTAL ENTITY.

10 (1) *SOFT DRINK*.

11 (1) "SOFT DRINK" MEANS, EXCEPT AS SPECIFIED IN PARAGRAPH (2) OF THIS SUBSECTION,
12 ANY CARBONATED OR NONCARBONATED NON-ALCOHOLIC BEVERAGE.

13 (2) "SOFT DRINK" DOES NOT INCLUDE DAIRY PRODUCTS OR FRUIT JUICES.

14 **§ 17-2. REFUND VALUE IMPOSED.**

15 EVERY NONREUSABLE BEVERAGE CONTAINER IN WHICH BEVERAGES ARE SOLD OR OFFERED
16 FOR SALE IN BALTIMORE CITY HAS A MINIMUM CASH REFUND VALUE OF 10 CENTS.

17 **§ 17-3. NONREUSABLE BEVERAGE CONTAINER MARKINGS.**

18 NO DISTRIBUTOR OR DEALER MAY SELL OR OFFER FOR SALE IN BALTIMORE CITY A BEVERAGE
19 IN A NONREUSABLE CONTAINER THAT DOES NOT CLEARLY INDICATE, IN A SECURELY AFFIXED
20 MANNER, THE FOLLOWING INFORMATION:

21 (1) THAT THE CONTAINER IS TO BE SOLD WITHIN BALTIMORE CITY; AND

22 (2) THAT THE REFUND VALUE OF THE CONTAINER IS NOT LESS THAN THE MINIMUM
23 AMOUNT SPECIFIED IN § 17-2 OF THIS SUBTITLE.

24 **§ 17-4. ACCEPTANCE FOR REFUND.**

25 (A) *BY DEALERS*.

26 IF AN EMPTY NONREUSABLE BEVERAGE CONTAINER OF THE KIND, SIZE, AND BRAND OF
27 BEVERAGE SOLD BY A DEALER IS PRESENTED TO THE DEALER AT THE LOCATION AT WHICH
28 THE DEALER SELLS OR OFFERS FOR SALE THESE BEVERAGES IN NONREUSABLE BEVERAGE
29 CONTAINERS TO CONSUMERS, THE DEALER MAY NOT:

30 (1) REFUSE TO ACCEPT FROM ANY PERSON ANY EMPTY NONREUSABLE BEVERAGE
31 CONTAINER MARKED IN ACCORDANCE WITH §17-3 OF THIS SUBTITLE; OR

1 (2) REFUSE TO PAY IN CASH TO THE CONSUMER THE REFUND VALUE OF A
2 NONREUSABLE BEVERAGE CONTAINER, AS SPECIFIED IN § 17-2 OF THIS SUBTITLE.

3 (B) *BY DISTRIBUTORS.*

4 IF AN EMPTY NONREUSABLE BEVERAGE CONTAINER OF A KIND, SIZE, AND BRAND OF
5 BEVERAGE SOLD BY A DISTRIBUTOR IS PRESENTED TO THE DISTRIBUTOR AT THE TIME AND
6 LOCATION OF ANY DELIVERY OF FILLED NONREUSABLE BEVERAGE CONTAINERS BY THE
7 DISTRIBUTOR TO THE DEALER, THE DISTRIBUTOR SHALL NOT:

8 (1) REFUSE TO ACCEPT FROM THE DEALER ANY EMPTY NONREUSABLE BEVERAGE
9 CONTAINER, MARKED IN ACCORDANCE WITH §17-3 OF THIS SUBTITLE; OR

10 (2) REFUSE TO PAY IN CASH TO THE DEALER THE REFUND VALUE OF A NONREUSABLE
11 BEVERAGE CONTAINER, AS SPECIFIED IN §17-2 OF THIS SUBTITLE.

12 **§ 17-5. PENALTIES.**

13 (A) *IN GENERAL.*

14 ANY PERSON WHO VIOLATES A PROVISION OF THIS SUBTITLE IS GUILTY OF A
15 MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR
16 IMPRISONMENT FOR NOT MORE THAN 1 YEAR OR BOTH FINE AND IMPRISONMENT.

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

18 EACH DAY THAT A VIOLATION OCCURS IS A SEPARATE OFFENSE.

19 **SECTION 2. AND BE IT FURTHER ORDAINED**, That the catchlines contained in this Ordinance
20 are not law and may not be considered to have been enacted as a part of this or any prior
21 Ordinance.

22 **SECTION 3. AND BE IT FURTHER ORDAINED**, That this Ordinance takes effect on the 30th day
23 after the date it is enacted.