

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 19-0401

Introduced by: Councilmembers Henry, Dorsey, Bullock, Sneed, Burnett, Clarke, President Scott,
Councilmembers Cohen, Middleton, Reisinger
Introduced and read first time: June 17, 2019
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with amendments
Council action: Adopted
Read second time: November 4, 2019

AN ORDINANCE CONCERNING

Comprehensive Bag Reduction

- 1
- 2 FOR the purpose of repealing the Plastic Bag Reduction Program; prohibiting certain dealers
3 from supplying customers with plastic bags for use as checkout bags; authorizing certain
4 exemptions; defining certain terms; imposing certain civil and criminal penalties; imposing a
5 surcharge on checkout bags supplied by dealers to certain customers; and providing for
6 special effective dates.
- 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 Section(s) 62-1 to 62-11, to be under the new subtitle,
15 "Subtitle 62. Plastic Bag Reduction"
16 Baltimore City Code
17 Edition 2000
- 18 BY repealing and reordaining, with amendments
19 Article 1 - Mayor, City Council, and Municipal Agencies
20 Section 40-14(e)(.5a)
21 Baltimore City Code
22 Edition 2000

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by
amendment or deleted from existing law by amendment.

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1 BY repealing
2 Article 1 - Mayor, City Council, and Municipal Agencies
3 Section 40-14(e)(2)(“Subtitle 16. Plastic Bag Reduction”)
4 Baltimore City Code
5 Edition 2000

6 BY adding
7 Article 28 - Taxes
8 Section(s) 31-1 to 31-11, to be under the new subtitle,
9 “Subtitle 31. Checkout Bag ~~Reduction~~ SURCHARGE”
10 Baltimore City Code
11 Edition 2000

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13 City Code Article 15, Subtitle 16, is repealed, in its entirety.

14 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the Laws of Baltimore City read as
15 follows:

16 **Baltimore City Code**

17 **Article 7. Natural Resources**

18 **Subtitle 62. PLASTIC BAG REDUCTION**

19 **§ 62-1. Definitions.**

20 (A) *IN GENERAL.*

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

22 ~~(B) CHECKOUT BAG.~~

23 ~~(1) “CHECKOUT BAG” MEANS ANY PLASTIC BAG SUPPLIED BY A DEALER AT NO~~
24 ~~ADDITIONAL COST TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO~~
25 ~~CARRY PURCHASED ITEMS.~~

26 ~~(2) “CHECKOUT BAG” DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:~~

27 ~~(i) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD~~
28 ~~SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND~~

29 ~~(ii) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE~~
30 ~~SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER,~~
31 ~~INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN~~
32 ~~COMPOSTABLE MATERIALS.~~

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1 ~~(C) COMMISSIONER.~~

2 ~~“COMMISSIONER” MEANS THE COMMISSIONER OF HEALTH OR THE COMMISSIONER’S~~
3 ~~DESIGNEE.~~

4 ~~(D) DEPARTMENT.~~

5 ~~“DEPARTMENT” MEANS THE BALTIMORE CITY DEPARTMENT OF HEALTH.~~

6 (B) ~~(E)~~ DEALER.

7 (1) “PERSON” DEFINED.

8 IN THIS SUBSECTION, “PERSON” MEANS:

9 (I) AN INDIVIDUAL;

10 (II) A PARTNERSHIP, FIRM, ASSOCIATION, LIMITED LIABILITY COMPANY,
11 CORPORATION, OR OTHER ENTITY OF ANY KIND;

12 (III) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY,
13 OR REPRESENTATIVE OF ANY KIND; OR

14 (IV) A GOVERNMENTAL ENTITY OR AN INSTRUMENTALITY OR UNIT OF A
15 GOVERNMENTAL ENTITY.

16 (2) “DEALER” DEFINED.

17 (I) IN GENERAL.

18 “DEALER” MEANS ANY PERSON ENGAGED IN THE RETAIL SALE OF GOODS.

19 (II) INCLUSIONS.

20 “DEALER” INCLUDES ANY:

21 (A) SUPERMARKET;

22 (B) CONVENIENCE STORE;

23 (C) RESTAURANT;

24 (D) SHOP;

25 (E) SERVICE STATION; OR

26 (F) OTHER SALES OUTLET.

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1 (C) PLASTIC CHECKOUT BAG.
2

3 (1) "PLASTIC CHECKOUT BAG" MEANS ANY PLASTIC BAG THAT IS:

4 (I) SUPPLIED BY A DEALER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY
5 PURCHASED ITEMS; AND

6 (II) LESS THAN 4 MILS THICK; AND .

7 (III) NOT DESIGNED OR INTENDED FOR REUSE.

8 (2) "PLASTIC CHECKOUT BAG" DOES NOT INCLUDE A COMPOSTABLE PLASTIC BAG THAT:

9 (I) IS CERTIFIED AND LABELED AS MEETING THE ASTM D6400 STANDARD
10 SPECIFICATION BY A RECOGNIZED VERIFICATION ENTITY; AND

11 (II) IS CAPABLE OF UNDERGOING BIOLOGICAL DECOMPOSITION IN A COMPOST SITE
12 SUCH THAT THE MATERIAL BREAKS DOWN INTO CARBON DIOXIDE, WATER,
13 INORGANIC COMPOUNDS, AND BIOMASS AT A RATE CONSISTENT WITH KNOWN
14 COMPOSTABLE MATERIALS.

15 **§ 62-2. {RESERVED}**

16 **§ 62-3. PROHIBITED CONDUCT.**

17 EXCEPT AS PROVIDED IN § 62-4 {"EXEMPTION: BAGS FOR CERTAIN PRODUCTS"} ~~AND § 62-5~~
18 ~~{"EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES"}~~ OF THIS
19 SUBTITLE, NO DEALER MAY SUPPLY CUSTOMERS WITH PLASTIC CHECKOUT BAGS.

20 **§ 62-4. EXEMPTION: BAGS FOR CERTAIN PRODUCTS.**

21 THIS SUBTITLE DOES NOT APPLY TO A PLASTIC CHECKOUT BAG SOLELY USED TO CONTAIN:

- 22 (1) FRESH FISH AND FRESH FISH PRODUCTS;
23 (2) FRESH MEAT AND FRESH MEAT PRODUCTS;
24 (3) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
25 (4) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
26 (5) OTHERWISE UNPACKAGED CONFECTIONERY;
27 (6) OTHERWISE UNPACKAGED FRESH CHEESE;
28 (7) OTHERWISE ~~UNPACKED~~ UNPACKAGED BAKED GOODS;
29 (8) ICE;
30 (9) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

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1 (10) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;

2 (11) NEWSPAPERS; OR

3 (12) DRY-CLEANED GOODS.

4 ~~§ 62-5. EXEMPTION: VOUCHER OR ELECTRONIC BENEFITS TRANSFER PURCHASES.~~

5 ~~THIS SUBTITLE DOES NOT APPLY TO A PURCHASE MADE BY A CUSTOMER USING A VOUCHER OR~~
6 ~~ELECTRONIC BENEFITS TRANSFER CARD ISSUED UNDER THE FOOD SUPPLEMENT PROGRAM~~
7 ~~(FSP), WOMEN, INFANTS, AND CHILDREN PROGRAM (WIC), OR THE SUPPLEMENTAL~~
8 ~~NUTRITION ASSISTANCE PROGRAM (SNAP).~~

9 ~~§ 62-6. {RESERVED}~~

10 ~~§§ 62-5 TO 62-6. {RESERVED}~~

11 ~~§ 62-7. RULES AND REGULATIONS.~~

12 ~~(A) IN GENERAL.~~

13 ~~THE COMMISSIONER MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS~~
14 ~~SUBTITLE.~~

15 ~~(B) FILING WITH LEGISLATIVE REFERENCE.~~

16 ~~A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED~~
17 ~~WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.~~

18 ~~§ 62-8. ANNUAL REPORT.~~

19 ~~(A) IN GENERAL.~~

20 ~~ON OR BEFORE JUNE 30 OF EACH YEAR, THE COMMISSIONER MUST PREPARE AND SUBMIT~~
21 ~~TO THE MAYOR AND THE CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE~~
22 ~~WITH THIS SUBTITLE.~~

23 ~~(B) CONTENTS.~~

24 ~~THE REPORT SHALL INCLUDE THE FOLLOWING INFORMATION FOR THE PREVIOUS~~
25 ~~CALENDAR YEAR:~~

26 ~~(1) THE NUMBER OF INSPECTIONS CONDUCTED OF BUSINESSES REGULATED UNDER THIS~~
27 ~~SUBTITLE; AND~~

28 ~~(2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.~~

29 ~~§ 62-9. {RESERVED}~~

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§ 62-7. DATA REPORTING.

THE BALTIMORE CITY DEPARTMENT OF INFORMATION TECHNOLOGY, USING AVAILABLE DATA FROM THE 311 SYSTEM AND THE ENVIRONMENTAL CONTROL BOARD, SHALL PUBLISH DATA ON THE OPEN BALTIMORE WEB PORTAL THAT REFLECTS:

(1) THE NUMBER OF COMPLAINTS RECEIVED BY THE CITY OF BALTIMORE UNDER THIS SUBTITLE; AND

(2) THE NUMBER OF CITATIONS ISSUED UNDER THIS SUBTITLE.

§§ 62-8 TO 62-9. {RESERVED}

§ 62-10. 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.

§ 62-11. CRIMINAL PENALTIES.

(A) *IN GENERAL.*

~~ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.~~

ANY DEALER WHO VIOLATES ANY PROVISION OF THIS SUBTITLE AFTER HAVING TWICE RECEIVED AN ENVIRONMENTAL CITATION, EACH RESULTING IN ANY FINAL DISPOSITION OTHER THAN NOT GUILTY, IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS SUBJECT TO A FINE OF NOT MORE THAN \$1,000 FOR EACH OFFENSE.

(B) *EACH BAG A SEPARATE OFFENSE.*

EACH PLASTIC CHECKOUT BAG SUPPLIED TO A CUSTOMER IN VIOLATION OF THIS SUBTITLE IS A SEPARATE OFFENSE.

Article 1. Mayor, City Council, and Municipal Agencies

Subtitle 40. Environmental Control Board

§ 40-14. Violations to which subtitle applies.

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1 (e) *Provisions and penalties enumerated.*

2 (.5a) **Article 7. Natural Resources**

3 Division I. Floodplain Management \$500

4 DIVISION VI. MISCELLANEOUS

5 SUBTITLE 62. PLASTIC BAG REDUCTION

6 1ST OFFENSE \$250

7 2ND OFFENSE IN SAME 6-MONTH PERIOD \$500

8 3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD \$1,000

9 (2) **Article 15. Licensing and Regulation**

10 [Subtitle 16. Plastic Bag Reduction

11 1st offense \$250

12 2nd offense in same 6-month period \$500

13 3rd or subsequent offense in same 6-month period \$1,000]

14 **Article 28. Taxes**

15 **Subtitle 31. CHECKOUT BAG SURCHARGE**

16 **§ 31-1. DEFINITIONS.**

17 (A) *IN GENERAL.*

18 IN THIS SUBTITLE, THE FOLLOWING TERMS HAVE THE MEANINGS INDICATED.

19 (B) *DEALER.*

20 “DEALER” HAS THE MEANING STATED IN CITY CODE ARTICLE 7, ~~§ 62-1(E)~~ § 62-1(B)
21 {“DEFINITIONS: DEALER”}.

22 (C) *DIRECTOR.*

23 “DIRECTOR” MEANS THE DIRECTOR OF THE DEPARTMENT OF FINANCE OR THE
24 DIRECTOR’S DESIGNEE.

25 (D) *CHECKOUT BAG.*

26 (1) *IN GENERAL.*

27 “CHECKOUT BAG” MEANS ANY PAPER OR PLASTIC BAG SUPPLIED BY A DEALER TO A
28 CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

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1 (2) *INCLUSIONS.*

2 “CHECKOUT BAG” INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE
3 STANDARDS DESCRIBED IN CITY CODE ARTICLE 7, ~~§ 62-1(B)(2)~~ § 62-1(C)(2)
4 {“DEFINITIONS: ~~CHECKOUT~~ PLASTIC CHECKOUT BAG”}.

5 (3) *EXCLUSIONS.*

6 “CHECKOUT BAG” DOES NOT INCLUDE A BAG SOLELY USED TO CONTAIN:

- 7 ~~(I) FRESH FISH AND FRESH FISH PRODUCTS;~~
- 8 ~~(II) FRESH MEAT AND FRESH MEAT PRODUCTS;~~
- 9 ~~(III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;~~
- 10 ~~(IV) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;~~
- 11 ~~(V) OTHERWISE UNPACKAGED CONFECTIONERY;~~
- 12 ~~(VI) OTHERWISE UNPACKAGED FRESH CHEESE;~~
- 13 ~~(VII) ICE;~~
- 14 ~~(VIII) FOOD AND GOODS OBTAINED AT A FARMERS’ MARKET;~~
- 15 ~~(IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;~~
- 16 ~~(X) NEWSPAPERS; OR~~
- 17 ~~(XI) DRY-CLEANED GOODS.~~

18 “CHECKOUT BAG” DOES NOT INCLUDE:

19 (I) A BAG SOLELY USED TO CONTAIN:

- 20 (A) FRESH FISH AND FRESH FISH PRODUCTS;
- 21 (B) FRESH MEAT AND FRESH MEAT PRODUCTS;
- 22 (C) FRESH POULTRY AND FRESH POULTRY PRODUCTS;
- 23 (D) OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
- 24 (E) OTHERWISE UNPACKAGED CONFECTIONERY;
- 25 (F) OTHERWISE UNPACKAGED FRESH CHEESE;
- 26 (G) OTHERWISE UNPACKAGED BAKED GOODS;

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- 1 (H) ICE;
- 2 (I) FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;
- 3 (J) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY;
- 4 (K) NEWSPAPERS; OR
- 5 (L) DRY-CLEANED GOODS; OR
- 6 (II) A "PLASTIC CHECKOUT BAG" DESCRIBED IN CITY CODE, ARTICLE 7, § 62-
- 7 1(C)(1) {"DEFINITIONS: PLASTIC CHECKOUT BAG"}.

8 (E) *PERSON*.

9 "PERSON" MEANS:

- 10 (1) AN INDIVIDUAL;
- 11 (2) A PARTNERSHIP, FIRM, ASSOCIATION, CORPORATION, OR OTHER ENTITY OF ANY
- 12 KIND; OR
- 13 (3) A RECEIVER, TRUSTEE, GUARDIAN, PERSONAL REPRESENTATIVE, FIDUCIARY, OR
- 14 REPRESENTATIVE OF ANY KIND.

15 **§ 31-2. {RESERVED}**

16 **§ 31-3. SURCHARGE IMPOSED.**

17 (A) *IN GENERAL*.

18 A SURCHARGE IS IMPOSED ON EVERY CHECKOUT BAG SUPPLIED BY A DEALER TO A

19 CUSTOMER.

20 (B) *AMOUNT OF SURCHARGE*.

21 THE AMOUNT OF THE SURCHARGE IS 5 CENTS FOR EACH BAG.

22 (C) *NO EFFECT ON DEALER'S OWN IMPOSITION*.

23 NOTHING IN THIS SECTION LIMITS THE ABILITY OF A DEALER TO IMPOSE A SEPARATE

24 PURCHASE OR SERVICE FEE FOR A CHECKOUT BAG PROVIDED TO A CUSTOMER.

25 **§ 31-4. COLLECTION AND REMITTANCE.**

26 (A) *DEALER TO COLLECT*.

27 (1) THE DEALER MUST COLLECT THE SURCHARGE IMPOSED BY THIS SUBTITLE FROM THE

28 CUSTOMER TO WHOM THE CHECKOUT BAG IS SUPPLIED.

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1 (2) THE AMOUNT OF THE SURCHARGE MUST BE ITEMIZED ON ANY RECEIPT, INVOICE, OR
2 LIKE DOCUMENT ISSUED TO THE CUSTOMER.

3 (B) *REMITTANCE TO DIRECTOR.*

4 (1) EXCEPT AS SPECIFICALLY AUTHORIZED IN PARAGRAPH (2) OF THIS SUBSECTION, THE
5 SURCHARGE IMPOSED BY THIS SUBTITLE MUST BE REMITTED TO THE DIRECTOR ON OR
6 BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE
7 TRANSACTION OCCURRED.

8 (2) TO COVER THE ADMINISTRATIVE EXPENSE OF COLLECTING AND REMITTING THE
9 SURCHARGE TO THE DIRECTOR, THE DEALER MAY RETAIN ~~1 CENT~~ 4 CENTS FROM EACH
10 5 CENT SURCHARGE COLLECTED UNDER THIS SUBTITLE.

11 (C) *REMITTANCE REPORTS.*

12 (1) EACH REMITTANCE MUST BE ACCOMPANIED BY A REPORT FOR THE MONTH OF ALL
13 TRANSACTIONS THAT INVOLVED CHECKOUT BAGS SUBJECT TO THE SURCHARGE.

14 (2) THE REPORT MUST:

15 (I) BE IN THE FORM AND CONTAIN THE INFORMATION THAT THE DIRECTOR
16 REQUIRES; AND

17 (II) INCLUDE:

18 (A) THE NUMBER OF CHECKOUT BAGS SUPPLIED OR PROVIDED TO
19 CUSTOMERS;

20 (B) THE AGGREGATE AMOUNT OF THE SURCHARGE REQUIRED BY THIS
21 SUBTITLE TO BE COLLECTED; AND

22 (C) ANY OTHER INFORMATION THAT THE DIRECTOR REQUIRES TO ASSURE
23 THAT THE PROPER SURCHARGE HAS BEEN REMITTED.

24 ~~§ 31-5. SURCHARGE DETERMINATION BY THE DIRECTOR.~~

25 (A) ~~DIRECTOR TO OBTAIN INFORMATION.~~

26 ~~IF ANY PERSON FAILS TO REMIT THE SURCHARGE AND MAKE THE REPORTS WHEN DUE OR~~
27 ~~FAILS TO KEEP SUITABLE RECORDS AS REQUIRED UNDER THIS SUBTITLE, THE DIRECTOR~~
28 ~~MAY ATTEMPT TO OBTAIN OTHER AVAILABLE INFORMATION ON WHICH TO BASE AN~~
29 ~~ESTIMATE OF THE SURCHARGE DUE.~~

30 (B) ~~DIRECTOR TO ESTIMATE SURCHARGE.~~

31 ~~AS SOON AS THE DIRECTOR OBTAINS THIS INFORMATION, THE DIRECTOR MAY PROCEED TO~~
32 ~~DETERMINE THE SURCHARGE DUE AND ASSESS THAT SURCHARGE, PLUS INTEREST AND~~
33 ~~PENALTIES, AGAINST THE PERSON LIABLE FOR THE SURCHARGE.~~

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1 ~~(C) NOTICE AND PAYMENT.~~

2 ~~(1) THE DIRECTOR MAY THEN NOTIFY THE PERSON BY MAIL, SENT TO THAT PERSON'S LAST~~
3 ~~KNOWN ADDRESS, OF THE TOTAL AMOUNT OF THE SURCHARGE, INTEREST, AND~~
4 ~~PENALTIES.~~

5 ~~(2) THE TOTAL AMOUNT IS PAYABLE WITHIN 10 DAYS FROM THE DATE OF THIS NOTICE.~~

6 **§ 31-5. {RESERVED}**

7 **§ 31-6. INTEREST AND CIVIL PENALTIES.**

8 (A) FAILURE TO REMIT SURCHARGE.

9 IF A ~~DEALER~~ PERSON FAILS TO REMIT THE SURCHARGE IMPOSED BY THIS SUBTITLE WHEN
10 DUE, THE ~~DEALER~~ PERSON MUST PAY THE DIRECTOR, IN ADDITION TO THE SURCHARGE
11 DUE:

12 (1) INTEREST AT THE RATE OF 1% FOR EACH MONTH OR FRACTION OF A MONTH THAT
13 THE SURCHARGE IS OVERDUE; AND

14 (2) A PENALTY OF 10% OF THE AMOUNT OF THE SURCHARGE DUE.

15 (B) FAILURE TO FILE REPORTS; MAINTAIN RECORDS.

16 IF A PERSON FAILS TO SUBMIT THE REMITTANCE REPORTS OR FAILS TO KEEP SUITABLE
17 RECORDS AS REQUIRED BY § 31-4 OF THIS SUBTITLE, THE PERSON MUST PAY THE
18 DIRECTOR, IN ADDITION TO THE SURCHARGE, A PENALTY OF \$1,000 FOR EACH MONTH
19 THAT REPORTS ARE NOT SUBMITTED OR FOR EACH MONTH THAT SUITABLE RECORDS ARE
20 NOT KEPT.

21 **§ 31-7. {RESERVED}**

22 **§ 31-8. RULES AND REGULATIONS.**

23 (A) *IN GENERAL.*

24 THE DIRECTOR MUST ADOPT RULES AND REGULATIONS TO CARRY OUT THIS SUBTITLE.

25 (B) *FILING WITH LEGISLATIVE REFERENCE.*

26 A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SUBTITLE MUST BE FILED
27 WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

28 **§ 31-9. {RESERVED}**

29 **§ 31-10. PROHIBITED CONDUCT.**

30 A ~~DEALER~~ PERSON MAY NOT:

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1 (1) FAIL, NEGLECT, OR REFUSE TO COLLECT OR REMIT THE SURCHARGE IMPOSED BY THIS
2 SUBTITLE;

3 (2) MAKE ANY INCOMPLETE, FALSE, OR FRAUDULENT RETURN;

4 (3) FAIL TO KEEP COMPLETE AND ACCURATE RECORDS;

5 (4) REFUSE TO PERMIT THE FINANCE DIRECTOR OR THE DIRECTOR'S AUTHORIZED AGENT,
6 EMPLOYEE, OR REPRESENTATIVE TO INSPECT AND AUDIT THE OPERATOR'S RECORDS;
7 OR

8 (5) FAIL TO FULLY COMPLY WITH ANY PROVISION OF THIS SUBTITLE OR OF ANY RULE OR
9 REGULATION ADOPTED UNDER THIS SUBTITLE.

10 **§ 31-11. CRIMINAL PENALTIES.**

11 ANY PERSON WHO VIOLATES ANY PROVISION OF THIS SUBTITLE OR OF A RULE OR REGULATION
12 ADOPTED UNDER THIS SUBTITLE IS GUILTY OF A MISDEMEANOR AND, ON CONVICTION, IS
13 SUBJECT TO A FINE OF NOT MORE THAN \$1,000 OR TO IMPRISONMENT FOR NOT MORE THAN 6
14 MONTHS OR TO BOTH FINE AND IMPRISONMENT FOR EACH OFFENSE.

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

18 **SECTION 4. AND BE IT FURTHER ORDAINED,** That the Baltimore City Department of Health
19 in conjunction with the Baltimore City Office of Sustainability shall engage in an outreach and
20 education campaign to all affected dealers and their customers informing them of the
21 prohibitions, exemptions, and penalties set forth in Section 2 of this Ordinance. This campaign
22 may include providing signs for point of sale stations and storefronts, media buys and
23 placements, and public service announcements.

24 **SECTION 5. AND BE IT FURTHER ORDAINED,** That Section 4 of this Ordinance takes effect on
25 the date of this Ordinance's enactment.

26 **SECTION 6. AND BE IT FURTHER ORDAINED,** That, except as provided in Section 5 of this
27 Ordinance, this Ordinance takes effect 1 year after the date it is enacted.

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Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to His Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City