



Legislation Text

File #: 15-0469, **Version:** 0

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

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INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Henry

A BILL ENTITLED

AN ORDINANCE concerning
Plastic Bag Reduction

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

BY repealing

Article 15. Licensing and Regulation
Subtitle 16. Plastic Bag Reduction
Baltimore City Code
(Edition 2000)

BY adding

Article 7. Natural Resources
Subtitle 62. Plastic Bag Reduction
Baltimore City Code
(Edition 2000)

BY repealing and reordaining, with amendments

Article 1. Mayor, City Council, and Municipal Agencies
Section 40-14(e)(.5a)
Baltimore City Code
(Edition 2000)

BY repealing

Article 1. Mayor, City Council, and Municipal Agencies
Section 40-14(e)(2)(“Subtitle 16. Plastic Bag Reduction”)

Baltimore City Code
(Edition 2000)

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 BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE, That City Code Article 15, Subtitle 16, is repealed, in its entirety.

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

Baltimore City Code

Article 7. Natural Resources

SUBTITLE 62. PLASTIC BAG REDUCTION

§ 62-1. DEFINITIONS.

(A) IN GENERAL.

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

(B) DEALER.

(1) “DEALER” MEANS ANY PERSON ENGAGED IN THE RETAIL SALE OF GOODS.

(2) “DEALER” INCLUDES ANY:

(I) SUPERMARKET;

(II) CONVENIENCE STORE;

(III) SHOP;

(IV) SERVICE STATION; OR

(V) OTHER SALES OUTLET.

(C) PERSON.

“PERSON” MEANS:

(1) AN INDIVIDUAL;

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

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

§ 62-2. {RESERVED}

§ 62-3. PROHIBITED CONDUCT.

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

§ 62-4. EXEMPTIONS.

(A) BAGS FOR CERTAIN PRODUCTS.

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

(I) FRESH FISH AND FRESH FISH PRODUCTS;

(II) FRESH MEAT AND FRESH MEAT PRODUCTS;

(III) FRESH POULTRY AND FRESH POULTRY PRODUCTS;

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

(V) OTHERWISE UNPACKAGED CONFECTIONERY;

(VI) DAIRY PRODUCTS;

(VII) ICE;

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

(IX) PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY.

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

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

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

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

(B) REUSABLE BAGS.

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

§ 625. {RESERVED}

§ 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

§ 40I4. 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

1st offense

\$250

2nd offense in same 6-month period

\$500

3rd 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.

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