

**CITY OF BALTIMORE
COUNCIL BILL 07-0713
(First Reader)**

Introduced by: Councilmembers Kraft, Harris, Young, Welch, Middleton, Clarke, Conaway,
Curran

Introduced and read first time: June 11, 2007

Assigned to: Judiciary and Legislative Investigations Committee

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

A BILL ENTITLED

1 AN ORDINANCE concerning

2 style="text-align:center">**Plastic Bag Restrictions**

3 FOR the purpose of prohibiting certain supermarkets and formula retail stores from using certain
4 types of checkout bags; defining certain terms; authorizing civil enforcement action;
5 imposing 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 Restrictions"
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 style="text-align:center">**Baltimore City Code**

20 style="text-align:center">**Article 15. Licensing and Regulation**

21 style="text-align:center">**SUBTITLE 16. PLASTIC BAG REDUCTIONS**

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

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§ 16-1 DEFINITIONS.

(A) *IN GENERAL.*

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

(B) *COMPOSTABLE PLASTIC BAG.*

“COMPOSTABLE PLASTIC BAG” MEANS A PLASTIC BAG THAT:

(1) IS CERTIFIED AND LABELED BY A RECOGNIZED VERIFICATION ENTITY, SUCH AS THE BIODEGRADABLE PRODUCT INSTITUTE, AS MEETING THE AMERICAN SOCIETY FOR TESTING AND MATERIALS’ INTERNATIONAL STANDARD D6400 FOR COMPOSTABLE PLASTIC; AND

(2) IN GREEN LETTERING THAT CONTRASTS WITH THE BAG’S BACKGROUND COLOR AND IS AT LEAST 2 INCHES HIGH, DISPLAYS:

(I) THE WORD “REUSABLE” ON THE FRONT OR BACK OF THE BAG; AND

(II) THE PHRASE “GREEN CART COMPOSTABLE”, EITHER:

(A) ON THE FRONT AND BACK OF THE BAG, TOGETHER WITH A SOLID GREEN BAND AT LEAST ½ INCH THICK CIRCLING THE CIRCUMFERENCE OF THE BAG, OR

(B) REPEATEDLY, AS A BAND OF TEXT OR AS TEXT ALTERNATING WITH SOLID STRIPE, CIRCLING THE CIRCUMFERENCE OF THE BAG.

(D) *FORMULA RETAIL ESTABLISHMENT.*

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

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

(2) BUSINESS METHOD;

(3) MERCHANDISE ARRAY;

(4) FACADE OR ARCHITECTURE;

(5) DECOR AND COLOR SCHEME;

(6) LAYOUT;

(7) SIGNAGE; OR

(8) UNIFORMS.

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1 (E) *PERSON*.

2 “PERSON” MEANS:

3 (1) AN INDIVIDUAL;

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

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

8 (F) *RECYCLABLE*.

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

12 (G) *RECYCLABLE PAPER BAG*.

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

14 (1) CONTAINS NO OLD GROWTH FIBER;

15 (2) IS 100% RECYCLABLE OVERALL AND CONTAINS A MINIMUM OF 40% POST-
16 CONSUMER RECYCLED CONTENT; AND

17 (3) IN BLUE LETTERING THAT CONTRASTS WITH THE BAG’S BACKGROUND COLOR AND IS
18 AT LEAST 2 INCHES HIGH, DISPLAYS THE WORDS “REUSABLE” AND “RECYCLABLE”
19 ON THE FRONT OR BACK OF THE BAG.

20 (H) *REUSABLE BAG*.

21 “REUSABLE BAG” MEANS A BAG THAT:

22 (1) HAS HANDLES;

23 (2) IS SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE; AND

24 (3) EITHER:

25 (I) IS MADE OF CLOTH OR OTHER MACHINE WASHABLE FABRIC; OR

26 (II) IS MADE OF DURABLE PLASTIC AT LEAST 2.25 MILS THICK.

27 (I) *SUPERMARKET*.

28 “SUPERMARKET” MEANS A FULL-LINE, SELF-SERVICE RETAIL STORE THAT:

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

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

4 **§ 16-2. RULES AND REGULATIONS.**

5 (A) *IN GENERAL.*

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

8 (B) *FILING.*

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

11 **§ 16-3. {RESERVED}**

12 **§ 16-4. LIMITATIONS ON CHECKOUT BAGS.**

13 SUPERMARKETS AND FORMULA RETAIL ESTABLISHMENTS:

14 (1) MAY ELECT NOT TO PROVIDE CUSTOMERS WITH CHECKOUT OR CARRYOUT BAGS; OR

15 (2) MAY PROVIDE CUSTOMERS ONLY WITH THE FOLLOWING AS CHECKOUT OR CARRYOUT
16 BAGS:

17 (I) RECYCLABLE PAPER BAGS;

18 (II) COMPOSTABLE PLASTIC BAGS; OR

19 (III) REUSABLE BAGS.

20 **§ 16-5. {RESERVED}**

21 **§ 16-6. INJUNCTIVE RELIEF.**

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

25 **§ 16-7. ENFORCEMENT BY CITATION.**

26 (A) *IN GENERAL.*

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

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1 (B) *PROCESS NOT EXCLUSIVE.*

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

5 **§ 16-8. {RESERVED}**

6 **§ 16-9. PENALTIES.**

7 (A) *IN GENERAL.*

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

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

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

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

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

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

15 **Article 1. Mayor, City Council, and Municipal Agencies**

16 **Subtitle 40. Environmental Control Board**

17 **§ 40-14. Violations to which subtitle applies.**

18 (e) *Provisions and penalties enumerated.*

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

20 **SUBTITLE 16. PLASTIC BAG REDUCTIONS**

21 1ST OFFENSE \$ 250

22 2ND OFFENSE IN SAME 6-MONTH PERIOD \$ 500

23 3RD OR SUBSEQUENT OFFENSE IN SAME 6-MONTH PERIOD \$1,000

24 § 17-23. Food vendors - Receptacles; clean-up \$ 100

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

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