



City of Baltimore

Legislative File Number 08-0060 (version 0)

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

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COPY.

INTRODUCTORY*

CITY OF BALTIMORE
COUNCIL BILL

Introduced by: Councilmember Kraft

A BILL ENTITLED

AN ORDINANCE concerning

..Title

Plastic Bag Reduction

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

..Body

BY adding

Article 15 - Licensing and Regulation

Section(s) 16-1 to 16-9, to be under the new subtitle,

"Subtitle 16. Plastic Bag Reduction"

Baltimore City Code

(Edition 2000)

BY repealing and reordaining, with amendments

Article 1 - Mayor, City Council, and Municipal Agencies

Section(s) 40-14(e)(2)

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 15. Licensing and Regulation

SUBTITLE 16. PLASTIC BAG REDUCTION

§ 16-1 DEFINITIONS.

(A) IN GENERAL.

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

(B) 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.

(C) MARKET.

"MARKET" MEANS A RETAIL STORE THAT:

- (1) SELLS A LINE OF DRY GROCERY, CANNED GOODS, OR NONFOOD ITEMS, AS WELL AS SOME PERISHABLE ITEMS; AND
- (2) HAS GROSS ANNUAL SALES OF \$500,000 OR MORE.

(D) 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.

(E) RECYCLABLE.

"RECYCLABLE" MEANS MATERIAL THAT CAN BE SORTED, CLEANSED, AND RECONSTITUTED, USING THE CITY'S AVAILABLE RECYCLING COLLECTION PROGRAMS, FOR THE PURPOSE OF USING THE ALTERED FORM IN THE MANUFACTURE OF A NEW PRODUCT.

(F) RECYCLABLE PAPER BAG.

"RECYCLABLE PAPER BAG" MEANS A PAPER BAG THAT:

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

(G) REUSABLE BAG.

"REUSABLE BAG" MEANS A BAG THAT:

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

§ 16-2. RULES AND REGULATIONS.

(A) IN GENERAL.

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

(B) FILING.

A COPY OF ALL RULES AND REGULATIONS ADOPTED UNDER THIS SECTION MUST BE

FILED WITH THE DEPARTMENT OF LEGISLATIVE REFERENCE BEFORE THEY TAKE EFFECT.

§ 16-3. {RESERVED}

§ 16-4. LIMITATIONS ON CHECKOUT BAGS.

MARKETS AND FORMULA RETAIL ESTABLISHMENTS:

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

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

(I) RECYCLABLE PAPER BAGS; OR

(II) REUSABLE BAGS.

§ 16-5. {RESERVED}

§ 16-6. INJUNCTIVE RELIEF.

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

§ 16-7. 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 TO ENFORCE THIS SUBTITLE DOES NOT PRECLUDE PURSUING ANY OTHER CIVIL OR CRIMINAL REMEDY OR ENFORCEMENT ACTION AUTHORIZED BY LAW.

§ 16-8. {RESERVED}

§ 16-9. PENALTIES.

(A) IN GENERAL.

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

- (1) FOR A 1ST OFFENSE, \$250;
 - (2) FOR A 2ND OFFENSE IN THE SAME 6-MONTH PERIOD, \$500; AND
 - (3) FOR A 3RD OR SUBSEQUENT OFFENSE IN THE SAME 6-MONTH PERIOD, \$1,000.
- (B) EACH DAY A SEPARATE OFFENSE.

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

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.

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