



CITY OF LAUREL, MARYLAND

ORDINANCE NO. 2008

AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF LAUREL, MARYLAND TO AMEND CHAPTER 9, "MISCELLANEOUS PROVISIONS AND OFFENSES," TO MODIFY ARTICLE X, "DISPOSABLE PLASTIC BAGS," TO PROHIBIT DISPOSABLE PLASTIC BAGS FROM BEING PROVIDED TO CUSTOMERS IN RETAIL ESTABLISHMENTS AT THE POINT OF SALE, AND TO PROVIDE FOR PENALTIES FOR THE VIOLATION OF THIS ORDINANCE.

Sponsored by the President at the request of the Administration.

WHEREAS, Article III, Section 316 of the Charter of the City of Laurel states, in pertinent part, "The city council shall have the power: (1) To pass all such ordinances, resolutions or regulations not contrary to the State of Maryland or this Charter as it may deem necessary for the good government of the city; ... for the protection and promotion of the health, safety, comfort, convenience, welfare, and happiness of the residents of and visitors in the city; and

WHEREAS, the Mayor and City Council previously adopted Ordinance No. 1977 to define the meaning of "disposal plastic bags" and to prohibit retail establishments from providing disposal plastic bags to customers at the point of sale; and

WHEREAS, it has been determined that single-use paper bags are not a sustainable alternative to single-use plastic bags due to their production requiring more resources and causing greater waste and emissions than that of plastic bags; and

WHEREAS, littered bags of all types degrade our communities, adversely impact the quality of life and the ability to attract new businesses; and

WHEREAS, encouraging the use of reusable bags will help the City of Laurel achieve its goals of reducing litter, improving the quality and appearance of the natural environment, and reduce trash going to the landfill; and

WHEREAS, the Mayor and City Council have determined that it is in the public interest to prohibit a retail establishment from providing a plastic carryout bag to customers, and to require that retail establishments charge at least \$.10 for each paper carryout bag and reusable carryout bag provided to customers; and

WHEREAS, the City of Laurel believes that residents and visitors should use reusable bags, and that the City should continue its efforts to educate residents, businesses, and visitors about the impact of disposable bags, and programs that reduce waste in the community.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, by the Mayor and City Council of Laurel, Maryland, that Chapter 9, "Miscellaneous Provisions and Offenses," Article X, be and hereby is amended as follows:

CHAPTER 9 – MISCELLANEOUS PROVISIONS AND OFFENSES

ARTICLE X. DISPOSABLE PLASTIC BAGS

Section 9-114 – Definitions

As used in this Article, the following words have the meaning as indicated.

- (a) Reusable carryout bag means a bag with stitched handles that is made of cloth or other washable fabric or a durable material suitable for multiple reuse, is specifically designed and manufactured for multiple reuse, and is not made of plastic film.
- (b) "Disposable plastic bag" means a plastic bag ~~less than 4 mils thick~~, to include a biodegradable and compostable bag, that is provided by a retail establishment to a customer at the point of sale, and is not a reusable carryout bag.
- ~~(c) A "Biodegradable plastic bag" shall include a compostable plastic bag, which is one that meets the specifications of the American Society of Testing and Material International ASTM D6400 International standard specification for compostable plastics D6400.~~
- ~~(d)~~ (c) "Retail establishment" means any entity that provides bags to its customers for the sales of products in the ordinary course of a business. engaged in the retail sale of goods. "Retail establishment" includes any business where a customer can buy goods, including, without limitation, any supermarket, convenience store, shop, service station, restaurant, and farmer's market vendor.

Section 9-115 – Disposable plastic bags prohibited at point of sale.

Except as provided in Subsection (b) of this Section, retail establishments shall not provide disposable plastic bags to customers at the point of sale.

A disposable plastic bag does not include:

(1) A plastic bag used to:

- A. Package bulk items, including fruits, vegetables, nuts, grains, candy, or small hardware items;
- B. Contain or wrap fresh/frozen foods, meat or seafood, whether prepackaged or not;
- C. Contain or wrap flowers, potted plants, or other damp items of a similar nature;
- D. Contain unwrapped prepared foods or bakery goods;
- E. ~~contain a newspaper~~
- ~~F. E.~~ Contain garments or other clothes from a dry-cleaning establishment;
- G. ~~F.~~ Contain ice;
- H. ~~G.~~ Door-hanger bags

~~(2) A plastic bag provided by a pharmacist that contains prescription drugs;~~

~~(3) Plastic bags sold in packages containing multiple plastic bags;~~

~~(4) Plastic bags that are provided by a food service facility that is necessary to meet food safety standards;~~

~~(5) Plastic bags to carry away live fish, insects, mollusks, or crustaceans from a retail establishment selling said items in the normal course of its business; or~~

~~(6) Plastic bags provided at a farm or orchard to contain fruits or vegetables that were produced by and on that farm or orchard;~~

~~(7) Biodegradable plastic bags.~~

Section 9-116 - Requirements for disposable paper bags.

(a) No ~~food store~~ retail establishment shall provide any paper bag that is not a recycled paper bag. "Recycled paper bag" means a paper bag that is one hundred percent (100%) ~~(100) percent~~ recyclable and contains at least forty percent (40%) ~~(40) percent~~ post-consumer recycled content.

(b) On or after August 1, 2023, a retail establishment shall charge, collect and retain at least ten cents (\$.10) for each paper carryout bag that it provides to a customer.

- (c) The charge for a paper carryout bag shall not apply to a paper bag containing prescription medication provided by a pharmacy to a customer.
- (d) The fee charged shall be paid by the customer.
- (e) The sales receipt shall reflect both the number of paper bags provided to the customer and the fee collected for the paper bags.
- (f) The fee charged shall be retained by the retail establishment.
- (g) Retail establishments shall not provide any rebate, exemption or reimbursement to customers for the paper bag fee provided for in this section.

Section 9-117 – Enforcement.

(a) Each violation of this ~~s~~Section shall constitute a municipal infraction, subject to the terms set forth in ~~e~~Chapter 1, “General Provisions,” Section 1-10, “Municipal Infractions.”

(b) Each violation of this ~~s~~Section shall be subject to a fine not to exceed two hundred dollars (\$200.00.)

(c) ~~The~~ provision of disposable plastic bags at the point of sale to each individual customers shall be considered a separate violation.

(d) The failure to charge the amount of money required for the provision of one or more paper or reusable carryout bags for a single point of sale (check-out) constitutes a separate and individual violation each day that the retail establishment commits any such violation.

~~(d)~~ (e) A violation shall not be imposed on an individual retail establishment (at each location for establishments with more than one (1) location) more than once within a seven-day period.

AND, BE IT FURTHER ENACTED AND ORDAINED, that this Ordinance shall take effect on August 1, 2023.

PASSED this ___ day of _____, 2023.

ATTEST:

SARA A. GREEN, CMC
 City Clerk

BRENCIS D. SMITH
 President of the City Council

APPROVED this ___ day of _____, 2023.

CRAIG A. MOE
 Mayor

___ Underlining indicates new language added.

Strikethroughs indicate language deleted.

** * * Asterisks indicate intervening language and section unchanged.*