



Legislation Details (With Text)

File #: O-9-20 **Version:** 1 **Name:**

Type: Ordinance **Status:** Withdrawn

File created: 2/10/2020 **In control:** Rules and City Government Committee

On agenda: 4/27/2020 **Final action:** 4/14/2020

Title: Comprehensive Bag Reduction - For the purpose of defining certain terms; prohibiting dealers from supplying customers with plastic bags for use as checkout bags; requiring paper bags contain recycled content; providing for the applicability of the Chapter; imposing a surcharge on certain checkout bags; imposing interest and certain civil penalties on dealers who fail to make timely remittances of the surcharge; setting forth prohibited conduct by dealers; providing enforcement measures; requiring an annual report to the Mayor and City Council; providing an effective date; and generally relating to checkout bags.

Sponsors: Rob Savidge, Elly Tierney, Ross Arnett, Dajuan K. Gay, Marc Rodriguez

Indexes: Environmental Matters Committee, Housing and Human Welfare Committee, Rules and City Government Committee

Code sections:

Attachments: 1. O-9-20 Plastic Bag Ordinance First Reader.pdf, 2. O-9-20 Fiscal Impact Note.pdf, 3. O-9-20 Staff Report Revised.pdf, 4. O-9-20 Amendment 1 Savidge.pdf, 5. O-9-20 Office of Law MEMO-022820.pdf

Date	Ver.	Action By	Action	Result
4/27/2020	1	City Council	withdrawn without objection	Pass
4/14/2020	1	Rules and City Government Committee	withdrawn without objection	
3/10/2020	1	Rules and City Government Committee	postpone	Pass
2/24/2020	1	City Council	declare the public hearing closed	
2/10/2020	1	City Council	adopt on first reader	Pass
2/10/2020	1	City Council	refer to Annapolis Education Commission	
2/10/2020	1	City Council	refer to Annapolis Education Commission	
2/10/2020	1	City Council	refer to Annapolis Education Commission	

Comprehensive Bag Reduction - For the purpose of defining certain terms; prohibiting dealers from supplying customers with plastic bags for use as checkout bags; requiring paper bags contain recycled content; providing for the applicability of the Chapter; imposing a surcharge on certain checkout bags; imposing interest and certain civil penalties on dealers who fail to make timely remittances of the surcharge; setting forth prohibited conduct by dealers; providing enforcement measures; requiring an annual report to the Mayor and City Council; providing an effective date; and generally relating to checkout bags.

CITY COUNCIL OF THE
City of Annapolis

Ordinance 9-20

Introduced by: Alderman Savidge
Co-sponsored by: Alderwoman Tierney, Alderman Arnett,

Alderman Gay, and Alderman Rodriguez

**Referred to
Environmental Matters Committee
Housing and Human Welfare Committee**

AN ORDINANCE concerning

Comprehensive Bag Reduction

FOR the purpose of defining certain terms; prohibiting dealers from supplying customers with plastic bags for use as checkout bags; requiring paper bags contain recycled content; providing for the applicability of the Chapter; imposing a surcharge on certain checkout bags; imposing interest and certain civil penalties on dealers who fail to make timely remittances of the surcharge; setting forth prohibited conduct by dealers; providing enforcement measures; requiring an annual report to the Mayor and City Council; providing an effective date; and generally relating to checkout bags.

BY adding the following portions to the Code of the City of Annapolis, 2019 Edition
Chapter 10.18 - Plastic Bag Ban
Sections 10.18.010 to 10.18.090

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

**Title 10 - HEALTH AND SAFETY
Chapter 10.18 - PLASTIC BAG BAN**

Section 10.18.010 - Definitions.

IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

A. "CHECKOUT BAG" MEANS A BAG SUPPLIED BY A DEALER TO A CUSTOMER AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

B. "DEALER" MEANS A PERSON ENGAGED IN THE RETAIL SALE OF GOODS, INCLUDING A SUPERMARKET; CONVENIENCE STORE; RESTAURANT; SHOP; SERVICE STATION; AND OTHER SALES OUTLETS.

C. "OFFICE" MEANS THE OFFICE OF ENVIRONMENTAL POLICY.

SECTION 10.18.020 - ADMINISTRATION.

THE OFFICE SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF THIS CHAPTER.

SECTION 10.18.030 - PROHIBITED CONDUCT.

EXCEPT AS PROVIDED IN SECTION 10.18.040, A DEALER MAY NOT SUPPLY CUSTOMERS

WITH PLASTIC CHECKOUT BAGS OR WITH PAPER CHECKOUT BAGS THAT CONTAIN LESS THAN 40% POST-CONSUMER RECYCLED CONTENT.

SECTION 10.18.040 - INAPPLICABILITY.

THIS CHAPTER DOES NOT APPLY TO BAGS USED FOR THE FOLLOWING:

1. FRESH FISH AND FRESH FISH PRODUCTS;
2. FRESH MEAT AND FRESH MEAT PRODUCTS;
3. FRESH POULTRY AND FRESH POULTRY PRODUCTS;
4. OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
5. OTHERWISE UNPACKAGED CONFECTIONERY;
6. OTHERWISE UNPACKAGED FRESH CHEESE;
7. OTHERWISE UNPACKAGED BAKED GOODS;
8. ICE;
9. FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;
10. PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY; OR
11. DRY-CLEANED GOODS.

SECTION 10.18.050 - SURCHARGE, COLLECTION, AND REMITTANCE.

A. 20 CENT SURCHARGE. A SURCHARGE IN THE AMOUNT OF 20 CENTS IS IMPOSED ON EVERY CHECKOUT BAG PROVIDED BY A DEALER WITH A FACILITY OF AT LEAST 20,000 SQUARE FEET.

B. DEALER COLLECTION. A DEALER SHALL COLLECT THE SURCHARGE AND THE SURCHARGE SHALL BE ITEMIZED ON ANY RECEIPT, INVOICE, OR SIMILAR DOCUMENT ISSUED TO THE CUSTOMER.

C. REMITTANCE. A DEALER MAY RETAIN 10 CENTS OF EVERY 20 CENT SURCHARGE TO COVER ADMINISTRATIVE EXPENSES. THE DEALER SHALL REMIT THE REMAINDER OF THE SURCHARGE TO THE OFFICE BEFORE THE 25TH DAY OF THE MONTH FOLLOWING THE MONTH IN WHICH THE TRANSACTION OCCURRED.

D. REPORTS. A DEALER SHALL SUBMIT A REMITTANCE REPORT ALONG WITH THE REMITTANCE REQUIRED BY SUBSECTION C. THE REPORT SHALL INCLUDE ALL INFORMATION REQUIRED BY THE OFFICE AND SHALL, AT A MINIMUM, PROVIDE:

1. THE NUMBER OF PAPER CHECKOUT BAGS SUPPLIED TO CUSTOMERS;

2. THE AMOUNT OF THE SURCHARGE REQUIRED TO BE COLLECTED FROM CUSTOMERS;
AND

3. THE AMOUNT OF THE SURCHARGE REQUIRED TO BE PAID TO THE OFFICE.

E. **INSPECTION OF RECORDS.** A DEALER SHALL MAKE ITS RECORDS AVAILABLE FOR INSPECTION AND AUDIT BY THE CITY.

F. **WATERSHED RESTORATION FUND.** THE OFFICE SHALL DEPOSIT ALL SURCHARGE FUNDS INTO THE WATERSHED RESTORATION FUND TO SUPPORT CLEANUP ACTIVITIES OF LEGACY PLASTIC BAG POLLUTION AND OTHER RESTORATION ACTIVITIES, AFTER DEDUCTING ANY COST TO ADMINISTER THIS CHAPTER. ADMINISTRATIVE COSTS INCLUDE THOSE ASSOCIATED WITH INSPECTIONS AND ENFORCEMENT, EDUCATION, AND THE PURCHASE OF REUSABLE BAGS FOR USE BY LOW-INCOME RESIDENTS, SUCH AS SNAP RECIPIENTS.

SECTION 10.18.060 - INTEREST AND CIVIL PENALTIES.

A DEALER WHO FAILS TO REMIT THE AMOUNT OF THE SURCHARGE OWED TO THE OFFICE WHEN DUE SHALL PAY THE OFFICE, IN ADDITION TO THE SURCHARGE, INTEREST AT THE RATE OF 1% PER MONTH FOR EACH MONTH OR FRACTION OF A MONTH THAT THE SURCHARGE IS OVERDUE AND A PENALTY OF 10% OF THE AMOUNT OWED.

SECTION 10.18.070 - PROHIBITED CONDUCT BY DEALER.

A DEALER MAY NOT:

1. FAIL, NEGLECT, OR REFUSE TO COLLECT AND REMIT THE SURCHARGE;
2. MAKE AN INCOMPLETE, FALSE, OR FRAUDULENT REPORT;
3. FAIL TO KEEP COMPLETE AND ACCURATE RECORDS; OR
4. REFUSE TO PERMIT THE DIRECTOR OF FINANCE, OR THE DIRECTOR'S DESIGNEE, TO INSPECT AND AUDIT THE DEALER'S RECORDS.

SECTION 10.18.080 - ENFORCEMENT.

A. **MUNICIPAL INFRACTION.** A VIOLATION OF OR FAILURE TO COMPLY WITH ANY PROVISION OF THIS CHAPTER IS A MUNICIPAL INFRACTION PUNISHABLE BY A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

B. **METHODS OF ENFORCEMENT.** THE DIRECTOR OF ENVIRONMENTAL POLICY, OR THE DIRECTOR'S DESIGNEE, MAY ENFORCE THE PROVISIONS OF THIS CHAPTER BY ANY APPROPRIATE MEANS, INCLUDING THE ISSUANCE OF A MUNICIPAL CITATION AND COURT PROCEEDINGS.

SECTION 10.18.090 - ANNUAL REPORT.

A. **REPORT DETAILING COMPLIANCE.** ON OR BEFORE JUNE 30 OF EACH YEAR, THE DIRECTOR OF THE OFFICE SHALL PREPARE AND SUBMIT TO THE MAYOR AND CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE WITH THIS CHAPTER.

B. **REQUIRED INFORMATION.** THE REPORT SHALL INCLUDE THE NUMBER OF INSPECTIONS CONDUCTED OF DEALERS, THE NUMBER OF CITATIONS ISSUED, AND A DESCRIPTION OF ANY COURT PROCEEDINGS INITIATED.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect twelve months after the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strikethrough~~ indicates matter stricken from existing law.

Underlining indicates amendments.