

1 **..Title**

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

9 **..Body**

10 **CITY COUNCIL OF THE**
11 **City of Annapolis**

12
13 **Ordinance 9-20**

14
15 **Introduced by: Alderman Savidge**
16 **Co-sponsored by: Alderwoman Tierney, Alderman Arnett,**
17 **Alderman Gay, and Alderman Rodriguez**

18
19 **Referred to**

20 **Environmental Matters Committee**
21 **Housing and Human Welfare Committee**

22
23 **AN ORDINANCE** concerning

24
25 **Comprehensive Bag Reduction**

26
27 **FOR** the purpose of defining certain terms; prohibiting dealers from supplying customers with
28 plastic bags for use as checkout bags; requiring paper bags contain recycled content; providing for
29 the applicability of the Chapter; imposing a surcharge on certain checkout bags; imposing interest
30 and certain civil penalties on dealers who fail to make timely remittances of the surcharge; setting
31 forth prohibited conduct by dealers; providing enforcement measures; requiring an annual report
32 to the Mayor and City Council; providing an effective date; and generally relating to checkout
33 bags.

34
35
36 **BY** adding the following portions to the Code of the City of Annapolis, 2019 Edition
37 Chapter 10.18 – Plastic Bag Ban
38 Sections 10.18.010 to 10.18.090

39
40
41 **SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY**
42 **COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

43
44 **Title 10 – HEALTH AND SAFETY**
45 **Chapter 10.18 – PLASTIC BAG BAN**

46

1 **Section 10.18.010 - Definitions.**

2
3 IN THIS CHAPTER, THE FOLLOWING WORDS HAVE THE MEANINGS
4 INDICATED:

5
6 A. "CHECKOUT BAG" MEANS A BAG SUPPLIED BY A DEALER TO A CUSTOMER
7 AT THE POINT OF SALE, PICKUP, OR DELIVERY TO CARRY PURCHASED ITEMS.

8
9 B. "DEALER" MEANS A PERSON ENGAGED IN THE RETAIL SALE OF GOODS,
10 INCLUDING A SUPERMARKET; CONVENIENCE STORE; RESTAURANT; SHOP;
11 SERVICE STATION; AND OTHER SALES OUTLETS.

12
13 C. "OFFICE" MEANS THE OFFICE OF ENVIRONMENTAL POLICY.

14
15 **SECTION 10.18.020 – ADMINISTRATION.**

16
17 THE OFFICE SHALL ADMINISTER AND ENFORCE THE PROVISIONS OF THIS
18 CHAPTER.

19
20 **SECTION 10.18.030 - PROHIBITED CONDUCT.**

21
22 EXCEPT AS PROVIDED IN SECTION 10.18.040, A DEALER MAY NOT SUPPLY
23 CUSTOMERS WITH PLASTIC CHECKOUT BAGS OR WITH PAPER CHECKOUT BAGS
24 THAT CONTAIN LESS THAN 40% POST-CONSUMER RECYCLED CONTENT.

25
26 **SECTION 10.18.040 – INAPPLICABILITY.**

27
28 THIS CHAPTER DOES NOT APPLY TO BAGS USED FOR THE FOLLOWING:

- 29
30 1. FRESH FISH AND FRESH FISH PRODUCTS;
31
32 2. FRESH MEAT AND FRESH MEAT PRODUCTS;
33
34 3. FRESH POULTRY AND FRESH POULTRY PRODUCTS;
35
36 4. OTHERWISE UNPACKAGED FRUITS, NUTS, OR VEGETABLES;
37
38 5. OTHERWISE UNPACKAGED CONFECTIONERY;
39
40 6. OTHERWISE UNPACKAGED FRESH CHEESE;
41
42 7. OTHERWISE UNPACKAGED BAKED GOODS;
43
44 8. ICE;
45
46 9. FOOD AND GOODS OBTAINED AT A FARMERS' MARKET;

1
2 10. PRESCRIPTION DRUGS OBTAINED FROM A PHARMACY; OR

3
4 11. DRY-CLEANED GOODS.

5
6 **SECTION 10.18.050 – SURCHARGE, COLLECTION, AND REMITTANCE.**

7
8 A. **20 CENT SURCHARGE.** A SURCHARGE IN THE AMOUNT OF 20 CENTS IS
9 IMPOSED ON EVERY CHECKOUT BAG PROVIDED BY A DEALER WITH A FACILITY
10 OF AT LEAST 20,000 SQUARE FEET.

11
12 B. **DEALER COLLECTION.** A DEALER SHALL COLLECT THE SURCHARGE AND
13 THE SURCHARGE SHALL BE ITEMIZED ON ANY RECEIPT, INVOICE, OR SIMILAR
14 DOCUMENT ISSUED TO THE CUSTOMER.

15
16 C. **REMITTANCE.** A DEALER MAY RETAIN 10 CENTS OF EVERY 20 CENT
17 SURCHARGE TO COVER ADMINISTRATIVE EXPENSES. THE DEALER SHALL REMIT
18 THE REMAINDER OF THE SURCHARGE TO THE OFFICE BEFORE THE 25TH DAY OF
19 THE MONTH FOLLOWING THE MONTH IN WHICH THE TRANSACTION OCCURRED.

20
21 D. **REPORTS.** A DEALER SHALL SUBMIT A REMITTANCE REPORT ALONG WITH
22 THE REMITTANCE REQUIRED BY SUBSECTION C. THE REPORT SHALL INCLUDE
23 ALL INFORMATION REQUIRED BY THE OFFICE AND SHALL, AT A MINIMUM,
24 PROVIDE:

25
26 1. THE NUMBER OF PAPER CHECKOUT BAGS SUPPLIED TO CUSTOMERS;

27
28 2. THE AMOUNT OF THE SURCHARGE REQUIRED TO BE COLLECTED FROM
29 CUSTOMERS; AND

30
31 3. THE AMOUNT OF THE SURCHARGE REQUIRED TO BE PAID TO THE OFFICE.

32
33 E. **INSPECTION OF RECORDS.** A DEALER SHALL MAKE ITS RECORDS
34 AVAILABLE FOR INSPECTION AND AUDIT BY THE CITY.

35
36 F. **WATERSHED RESTORATION FUND.** THE OFFICE SHALL DEPOSIT ALL
37 SURCHARGE FUNDS INTO THE WATERSHED RESTORATION FUND TO SUPPORT
38 CLEANUP ACTIVITIES OF LEGACY PLASTIC BAG POLLUTION AND OTHER
39 RESTORATION ACTIVITIES, AFTER DEDUCTING ANY COST TO ADMINISTER THIS
40 CHAPTER. ADMINISTRATIVE COSTS INCLUDE THOSE ASSOCIATED WITH
41 INSPECTIONS AND ENFORCEMENT, EDUCATION, AND THE PURCHASE OF
42 REUSABLE BAGS FOR USE BY LOW-INCOME RESIDENTS, SUCH AS SNAP
43 RECIPIENTS.

44
45 **SECTION 10.18.060 – INTEREST AND CIVIL PENALTIES.**

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1 A DEALER WHO FAILS TO REMIT THE AMOUNT OF THE SURCHARGE OWED
2 TO THE OFFICE WHEN DUE SHALL PAY THE OFFICE, IN ADDITION TO THE
3 SURCHARGE, INTEREST AT THE RATE OF 1% PER MONTH FOR EACH MONTH OR
4 FRACTION OF A MONTH THAT THE SURCHARGE IS OVERDUE AND A PENALTY OF
5 10% OF THE AMOUNT OWED.

6
7 **SECTION 10.18.070 – PROHIBITED CONDUCT BY DEALER.**

8
9 A DEALER MAY NOT:

- 10
11 1. FAIL, NEGLECT, OR REFUSE TO COLLECT AND REMIT THE SURCHARGE;
12
13 2. MAKE AN INCOMPLETE, FALSE, OR FRAUDULENT REPORT;
14
15 3. FAIL TO KEEP COMPLETE AND ACCURATE RECORDS; OR
16
17 4. REFUSE TO PERMIT THE DIRECTOR OF FINANCE, OR THE DIRECTOR'S
18 DESIGNEE, TO INSPECT AND AUDIT THE DEALER'S RECORDS.

19
20 **SECTION 10.18.080 - ENFORCEMENT.**

21
22 A. **MUNICIPAL INFRACTION.** A VIOLATION OF OR FAILURE TO COMPLY
23 WITH ANY PROVISION OF THIS CHAPTER IS A MUNICIPAL INFRACTION
24 PUNISHABLE BY A FINE AS ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

25
26 B. **METHODS OF ENFORCEMENT.** THE DIRECTOR OF ENVIRONMENTAL
27 POLICY, OR THE DIRECTOR'S DESIGNEE, MAY ENFORCE THE PROVISIONS OF THIS
28 CHAPTER BY ANY APPROPRIATE MEANS, INCLUDING THE ISSUANCE OF A
29 MUNICIPAL CITATION AND COURT PROCEEDINGS.

30
31 **SECTION 10.18.090 – ANNUAL REPORT.**

32
33 A. **REPORT DETAILING COMPLIANCE.** ON OR BEFORE JUNE 30 OF EACH
34 YEAR, THE DIRECTOR OF THE OFFICE SHALL PREPARE AND SUBMIT TO THE
35 MAYOR AND CITY COUNCIL AN ANNUAL REPORT DETAILING COMPLIANCE WITH
36 THIS CHAPTER.

37
38 B. **REQUIRED INFORMATION.** THE REPORT SHALL INCLUDE THE NUMBER OF
39 INSPECTIONS CONDUCTED OF DEALERS, THE NUMBER OF CITATIONS ISSUED, AND
40 A DESCRIPTION OF ANY COURT PROCEEDINGS INITIATED.

41
42 **SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE**
43 **ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect twelve months after the date
44 of its passage.
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Explanation:

UPPERCASE indicates matter added to existing law.
~~Strikethrough~~ indicates matter stricken from existing law.
Underlining indicates amendments.