



City of Annapolis
Signature Copy
O-5-24



..Title

Health and Safety - City of Annapolis Plastic Bag Reduction Act – For the purpose of prohibiting the retail distribution of plastic bags in the City, with some exceptions; defining certain terms; establishing the duties of certain retail establishments; providing for the enforcement of the prohibition on plastic bags; allowing retail establishments to distribute paper and reusable bags at no cost during certain times of the year; requiring public notice of the requirements; and generally relating to public safety.

..Body

CITY COUNCIL OF THE
City of Annapolis

Ordinance 5-24

Introduced by: Alderman Savidge
Co-sponsored by: Aids. Schandelmeier, Arnett

Referred to:

Housing and Human Welfare Committee

AN ORDINANCE concerning:

Health and Safety - City of Annapolis Plastic Bag Reduction Act

FOR the purpose of prohibiting the retail distribution of plastic bags in the City, with some exceptions; defining certain terms; establishing the duties of certain retail establishments; providing for the enforcement of the prohibition on plastic bags; allowing retail establishments to distribute paper and reusable bags at no cost during certain times of the year; requiring public notice of the requirements; and generally relating to public safety.

BY enacting with amendments the following portions of the Code of the City of Annapolis, 2024 Edition:
10.32.010

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 10.32 - Miscellaneous Provisions
Section 10.32.010 - Plastic Bags Prohibited.

A. Definitions. In this section, the following words have the meanings indicated.

1. "Coffee shop" is defined in § 21.72.010.
2. "Delicatessen" is defined in § 21.72.010.
3. "Food service facility" means an establishment licensed by the Anne Arundel County Department of Health to prepare or sell food for the public.
4. "Mobile food service vendor" is defined in § 7.40.010.
5. "Plastic carryout bag" means:
 - a. A plastic bag provided by a retail establishment to a customer at the point of sale that is not a reusable carryout bag.
 - b. A compostable plastic bag that meets the specifications of the American Society of Testing and Materials International Standard D6400 specification for compostable plastics.
6. "Point of sale" means the physical or virtual place where a customer executes payment for goods or services or receives goods or services.
7. Restaurants:
 - a. "Fast food restaurant" is defined in § 21.72.010.
 - b. "Standard restaurant" is defined in § 21.72.010.
8. "Retail establishment" means a store, food service facility, or any other establishment that provides bags to its customers due to the sale of goods or services.
9. "Reusable carryout bag" means a bag with stitched handles made of cloth or other washable fabric or a durable material suitable for multiple reuses, specifically designed and manufactured for numerous reuses, and not made of plastic film.
10. "Vending truck or cart" means a motorized or nonmotorized vehicle that changes the location where a retailer can sell goods directly to customers.

B. Requirements.

1. A retail establishment shall not provide a plastic carryout bag to a customer except as provided in Subsection C(3).

Explanation:

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- ~~2. A retailer shall not provide a paper bag containing less than 50% post-consumer recycled content.~~
- ~~3. The law shall be called the "City of Annapolis Plastic Bag Reduction Act."~~

C. Duties.

1. Charge for Bags.

- ~~a. **Fee.** Retail establishments may offer customers paper bags or reusable carryout bags for a fee.~~
 - ~~i. The fee for paper bags shall be at least ten cents (\$0.10) per bag;~~
 - ~~ii. The customer shall pay the fee;~~
 - ~~iii. The sales receipt shall reflect the number of bags provided to the customer and the fee collected for the paper bag(s);~~
 - ~~iv. The retail establishment shall collect and retain the fee; and~~
 - ~~v. Retail establishments shall not provide customers any rebate, exemption, or reimbursement for this paper bag fee.~~
- ~~b. **Annual Exception.** A retail establishment may provide free, reusable, carryout bags:~~
 - ~~i. For nine days each year between April 22 and April 30; and~~
 - ~~ii. During a promotional period established by the retail establishment, up to 10 days per month.~~

2. Public Notice.

- ~~a. **Must Be Posted.** A retail establishment shall post notices at the public entrance to their establishment or each point of sale that:~~
 - ~~i. Customers should bring reusable carryout bags or may purchase reusable carryout bags in the retail establishment;~~
 - ~~ii. Each paper carryout bag purchase is subject to a charge, and the amount of the charge;~~
- ~~b. **Bilingual.** The notices shall be posted in English and Spanish.~~

3. Exceptions.

- ~~a. **Allowed Plastic Bags.** Plastic carryout bags are allowed for:~~

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- ~~i. Bakery goods or unwrapped prepared foods;~~
- ~~ii. Bulk items, including fruit, vegetables, nuts, grains, candy, or small hardware items;~~
- ~~iii. Cigars or loose tobacco;~~
- ~~iv. Dry cleaned or laundered items;~~
- ~~v. Freshly prepared hot or cold food, including sliced deli and foods prepared or ordered;~~
- ~~vi. Food and goods obtained at a farmers' market;~~
- ~~vii. Ice;~~
- ~~viii. Live creatures such as fish, insects, mollusks, or crustaceans from a retail establishment selling such items in the ordinary course of business;~~
- ~~ix. Newspapers;~~
- ~~x. Prescription drugs obtained from a pharmacy;~~
- ~~xi. Plant material, flowers or potted plants to prevent spoilage of the item or moisture damage to other purchases;~~
- ~~xii. Packages of multiple bags intended for use for disposition of garbage, food storage, pet waste, or yard waste;~~
- ~~xiii. Raw meat or seafood, or other foods the state or consistency of which is not conducive to the use of anything other than plastic carryout bags;~~

~~b. Fee & Other Exceptions.~~

- ~~i. A retail establishment may not charge for a paper carryout bag provided by a pharmacist if the paper carryout bag contains prescription drugs.~~
- ~~ii. A retail establishment may not charge for a paper carryout bag provided by a pharmacist if the paper carryout bag contains prescription drugs.~~
- ~~ii. The following establishments are exempt from 10.32.010(C)(1) and 10.32.010(C)(2), subsections on charge for bags and public notice:~~
 - ~~a) Standard restaurant;~~
 - ~~b) Fast food restaurant;~~

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- e) ~~Food service facility or cafeteria if the food service facility or cafeteria is operated by a school;~~
- d) ~~Delicatessen;~~
- e) ~~Coffee shop;~~
- f) ~~Vending truck or cart;~~
- g) ~~Mobile food service vendor; or~~
- h) ~~Other businesses selling or providing food for consumption on or off the premises, provided that the business is not a supermarket, grocery store, or part of a convenience store.~~

D. Violations; Enforcement.

1. ~~**Violation.** A violation of this section shall constitute a municipal infraction.~~
2. ~~**Enforcement.** The Deputy City Manager for Resilience & Sustainability or their designee shall issue a citation and levy fines or seek injunctive relief to enforce this section.~~
3. ~~**Offenses.**~~
 - a. ~~Failing to charge, collect, or retain at least 10 cents per paper or reusable carryout bag a retail establishment provides customers is a single offense;~~
 - b. ~~The provision of one or more plastic carryout bags per consumer transaction at a single point of sale is a single offense;~~
 - c. ~~Multiple violations during a consumer transaction at a single point of sale shall constitute a single offense; and~~
 - d. ~~A fine may not be imposed against a retail establishment more than once in seven days.~~
4. ~~**Public Notice.** The Deputy City Manager for Resilience and Sustainability or their designee shall maintain and post on the City's website an annual record of the name and address of any retail establishment found to violate this section, including the date of the violation, the nature of the violation, and the amount of any fine imposed.~~

E. Fines. Fines for violation of any part of this chapter are set by the annual resolution of the City Council. The fine schedule can be found in the Appendix of the City Code.

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Section 10.32.010 - Plastic Bags Prohibited.

A. Definitions. In this section, the following words have the meanings indicated.

1. "Coffee shop" is defined in § 21.72.010.
2. "Delicatessen" is defined in § 21.72.010.
3. "Food service facility" means an establishment licensed by the Anne Arundel County Department of Health to prepare or sell food for the public.
4. "Mobile food service vendor" is defined in § 7.40.010.
5. "Plastic carryout bag" means:
 - a. A plastic bag provided by a retail establishment to a customer at the point of sale, and is not a reusable carryout bag.
 - b. "Plastic carryout bag" does not include a plastic bag used to contain, package, or wrap:
 - i. bakery goods;
 - ii. bulk items, including fruit, vegetables, nuts, grains, candy, or small hardware items;
 - iii. cigars or loose tobacco;
 - iv. dry-cleaned clothes;
 - v. plant material, flowers or potted plants to prevent spoilage of the item or moisture damage to other purchases;
 - vi. hanging garments;
 - vii. hot or cold food that is freshly prepared, including sliced deli and foods prepared or ordered;
 - viii. ice;
 - ix. live creatures such as fish, insects, mollusks, or crustaceans;
 - x. newspapers;
 - xi. raw meat or seafood; and
 - xii. unwrapped prepared foods.

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6. “Point of sale” means the physical or virtual place where a customer executes payment for goods or services or receives goods or services.
7. Restaurants.
 - a. “Fast food restaurant” is defined in § 21.72.010.
 - b. “Standard restaurant” is defined in § 21.72.010.
8. “Retail establishment” means a store, food service facility, or any other establishment that provides bags to its customers due to the sale of goods or services.
9. “Reusable carryout bag” means a bag with stitched handles made of cloth or other washable fabric or a durable material suitable for multiple reuses, specifically designed and manufactured for multiple reuses, and not made of plastic film.
10. “Vending truck or cart” means a motorized or non-motorized vehicle that changes locations so that a retailer can sell goods directly to customers.

B. Plastic Carryout Bags Prohibited.

1. Except as provided in the Annual Exception subsection, § 10.32.010 (C)(1)(c), a retail establishment in the City of Annapolis is prohibited from providing plastic carryout bags, as defined in § 10.32.010(A), to a customer.
2. Retailers shall allow customers to use their own carryout bags.
3. Except as provided in the Fee Exceptions subsection, § 10.32.010 (C)(1)(b), the retail establishment shall charge, collect, and retain at least 10 cents for each paper carryout bag and reusable carryout bag it provides to customers.
4. A retail establishment may not advertise, hold out, or state to the public, directly or indirectly, that reimbursement of any part of the money collected will be assumed or absorbed by the store or refunded to the customer.
5. The law shall be called the “City of Annapolis Plastic Bag Reduction Act.”

C. Requirements.

1. Carryout Bags.

a. Fee-related Requirements.

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- i. The sales receipt shall reflect the number of bags provided to the customer and the fee collected for the paper bag(s); and
- ii. Retail establishments shall not provide customers any rebate, exemption, or reimbursement for this carryout bag fee.

b. Fee Exceptions.

- i. A retail establishment shall not charge the carryout bag fee for a paper carryout bag provided by a pharmacist if the bag contains prescription drugs.
- ii. The following establishments are exempt from the subsections on the fee charge for bags and public notice:
 - (1) Fast food restaurant.
 - (2) Food service facility or cafeteria if a school operates the food service facility or cafeteria;
 - (3) Delicatessen;
 - (4) Coffee shop;
 - (5) Vending truck or cart;
 - (6) Mobile food service vendor; or
 - (7) Other businesses selling or providing food for consumption on or off the premises, provided that the business is not a supermarket, grocery store, or part of a convenience store.

c. Annual Exception. A retail establishment may provide free, reusable carryout bags for nine days between April 22 and April 30 each year.

2. Public Notice.

- a. **Must Be Posted.** A retail establishment shall post notices at the public entrance to their establishment or each point of sale that:
 - i. Customers should bring reusable carryout bags or may purchase reusable carryout bags in the retail establishment;
 - ii. Each carryout bag purchase is subject to a charge, and the amount of the charge;

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b. Bilingual. The notices shall be posted in English and Spanish.

D. Violations; Enforcement.

1. Violation. A violation of this section shall constitute a municipal infraction.
2. Enforcement. The City Manager or their designee shall issue citations, levy fines, or seek injunctive relief to enforce this section.
3. Offenses.
 - a. Failing to charge, collect, or retain at least 10 cents per paper or reusable carryout bag a retail establishment provides customers is a single offense;
 - b. The provision of one or more plastic carryout bags per consumer transaction at a single point of sale is a single offense;
 - c. Multiple violations during a consumer transaction at a single point of sale shall constitute a single offense; and
 - d. A fine may not be imposed against a retail establishment more than once in seven days.

E. Fines. Fines for violation of any part of this chapter are set by annual resolution of the City Council.

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this Ordinance shall take effect six months after adoption.

ADOPTED this 22nd day of July 2024.

Aye: 8 Mayor Buckley, Alderwoman Tierney, Alderwoman O'Neill, Alderwoman Pindell Charles, Alderwoman Finlayson, Alderman Schandelmeier, Alderman Savidge, and Alderman Arnett

Nay: 1 Alderman Gay

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THE ANNAPOLIS CITY
COUNCIL


Gavin Buckley, Mayor

Date:

8/22/24

ATTEST


Regina Watkins-Eldridge, MMC,
City Clerk

Date:

8/22/24

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