



## STAFF REPORT ON PROPOSED LEGISLATION

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To: Mayor Gavin Buckley

From: Michael Mallinoff, City Manager

Date: April 25, 2024

Subject: O-5-24: Health and Safety - City of Annapolis Plastic Bag Reduction Act

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### **Purpose of legislation**

The purpose of this legislation is to prohibit the retail distribution of plastic bags in the City, with some exceptions; define certain terms; establish the duties of certain retail establishments; provide for the enforcement of the prohibition on plastic bags; allow retail establishments to distribute paper and reusable bags at no cost during certain times of the year; require public notice of the requirements; and generally relating to public safety.

Paper bags may be provided by retailers at a charge of 10 cents per bag. The fee is retained by the retailer. The rationale is that the fee will help cover the cost of providing paper bags. Failures by retailers to charge 10 cents per paper or reusable carryout bag result in citations of \$500 per violation and \$1,000 for repeat violations.

The City legislation follows the Anne Arundel County “Bring Your Own Bag Plastic Reduction Act” in most respects with the following principal differences:

1. The City ban would apply to school districts while the County law does not apply to school districts, i.e. school cafeterias. The rationale is to provide a good example to school age children and recognizes that school districts are moving away from plastic to paper.
2. The City ban allows the use of plastic bags at farmer’s markets; this exemption is not included in the County law (although bulk purchases are permitted to be bagged in

plastic). The rationale to exempt them is that many people use plastic bags to carry produce and other items while shopping at farmer's markets.

3. The City ordinance would require that paper bags provided by retailers contain at least 50 percent post-consumer recycled material. The County law imposes no such requirement. The rationale is to conserve virgin trees.
4. The County law provides for a warning for a first offense; the City ordinance goes straight to a citation.

### **Impact of legislation on operations**

The ordinance does not specify how violations will be brought to the City's attention. It only makes the Deputy City Manager for Resilience & Sustainability (DCM) or their designee responsible for issuing citations and seeking injunctive relief to enforce the ordinance.

Initially, it will also be necessary to provide information and education about the new ordinance to the public via social media, provide information, include frequently asked questions and answers on the City website and information for retailers to print and display at checkout counters. It will be necessary to involve the City Public Information Officer (PIO) in these initial activities. A mailing to the public will not be necessary since information will be provided by retailers. Estimated time by the PIO and DCM staff to inform the public is estimated at 15 hours.

The County law also does not provide for a method for actively investigating to find violations, but rather provides a means for reporting suspected violations. The County law is enforced by the Department of Health at all food service facilities and by the Department of Inspections and Permits at all retail establishments that are not food service facilities.

The Anne Arundel County "Bring Your Own Bag Plastic Reduction Act" website (<https://www.aacounty.org/inspections-and-permits/licenses/bring-your-own-bag-plastic-reduction-act>) provides email and telephone contact information for reporting suspected violations.

### **Impact of legislation on staffing**

Resilience & Sustainability staff are currently at the limits of their capacity; they do not have investigative and enforcement capacity in addition to other duties. It is more appropriate to designate responsibility for enforcement of the ordinance to the Department of Public Works Environmental Compliance Inspectors. Consistent with the ordinance, the inspectors should share names of violators to post on the City website with the City website coordinator. However, since no investigation is required and the City will be operating based upon suspected violations, minimal staff time may be needed. A check of the Anne Arundel County website revealed that, as of April 25, 2024, no violations had been reported. Therefore, four months into the County ban, there have been no known violations. The same level of compliance is expected within the City, especially since some City retailers have voluntarily stopped supplying plastic bags.

*Prepared by Jacqueline Guild, Deputy City Manager for Resilience and Sustainability*