

Introduced: Ms. Weaver
First Reading: May 8, 2023
Passed: May 22, 2023
Posted: May 23, 2023
Effective: January 1, 2024

ORDINANCE NO. 1389

AN ORDINANCE OF THE COUNCIL OF THE CITY OF GREENBELT AMENDING CHAPTER 10, “LICENSES, PERMITS AND MISCELLANEOUS BUSINESS REGULATIONS” OF THE GREENBELT CITY CODE, TO ADD ARTICLE VII “DISPOSABLE PLASTIC BAGS” TO PROHIBIT A RETAIL ESTABLISHMENT FROM PROVIDING A PLASTIC CARRYOUT BAG TO CUSTOMERS, TO REQUIRE A RETAIL ESTABLISHMENT TO CHARGE AT LEAST TEN CENTS FOR EACH PAPER CARRYOUT BAG PROVIDED TO CUSTOMERS AND TO PROVIDE A PENALTY FOR VIOLATION.

WHEREAS, pursuant to Section 5-201 et seq. of the Local Government Article, Annotated Code of Maryland, the City of Greenbelt, Maryland (hereinafter, the “City”) has the power to pass such ordinances as it deems necessary to protect the health, safety and welfare of the residents of the City and to prevent and remove nuisances; and

WHEREAS, the manufacture and distribution of single-use carryout bags uses natural resources, generates greenhouse gas emissions, contributes to climate change, is a source of pollution; and

WHEREAS, littered bags end up in waterways, the Chesapeake Bay, and the ocean, where they degrade into microplastics, with the waterway absorbing toxic chemicals; and

WHEREAS, plastic shopping bags and microplastics are ingested by marine life, injuring and killing fish, seabirds, and marine mammals and is a lethal threat to livestock and wildlife; and

WHEREAS, scientists estimate humans are ingesting as much as a credit card’s worth of plastic weekly, and single-use plastic bags are a source of hazardous chemicals that are known carcinogens, endocrine disruptors, and the cause of respiratory ailments; and

WHEREAS, Greenbelt residents use an estimated 9 million plastic bags annually that are used for a few minutes, then incinerated, landfilled, or left in the environment as litter; and

WHEREAS, plastic carryout bags are not accepted in county single-stream recycling programs, are a source of contamination, and foul recycling equipment; and

WHEREAS, littered bags of all types degrade our communities and adversely impact the quality of life; and

WHEREAS, single-use carryout bags provided by retail establishments impose hidden costs on consumers in the form of overhead incorporated in the price of merchandise, cost taxpayers and local government for collection of litter, recycling, and disposal, and constitute a public nuisance; and

WHEREAS, the Greenbelt Advisory Committee on Environmental Sustainability recommends the City adopt an ordinance to reduce plastic pollution and single-use waste, and increase the use of reusable carryout bags or having no carryout bag; and

WHEREAS, the Council of the City of Greenbelt has determined it is in the public interest to prohibit a retail establishment from providing plastic carryout bags and ban single-use plastic film carryout bags and require retailers charge at least \$.10 cents for each paper carryout bag provided by the retailer at point of sale.

NOW THEREFORE, BE IT ORDAINED AND ENACTED, by the Council of the City of Greenbelt, Maryland, that a new Article VII entitled “Plastic Bag Ban,” hereby is added to Chapter 10 of the Greenbelt City Code.

Section 1. BE IT FURTHER ORDAINED AND ENACTED by the Council of the City of Greenbelt that Chapter 10 “Licenses, Permits and Miscellaneous Business Regulations” Article VII, §10-71 “Definitions” be and it is hereby enacted to read as follows:

§10-71 DEFINITIONS

IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

A. FOOD SERVICE FACILITY MEANS:

1. A PLACE WHERE FOOD OR DRINK IS PREPARED FOR SALE OR SERVICE ON THE PREMISES OR ELSEWHERE; OR ANY OPERATION WHERE FOOD IS SERVED TO OR PROVIDED FOR THE PUBLIC WITH OR WITHOUT CHARGE.

B. “FOOD SERVICE FACILITY” DOES NOT INCLUDE:

1. A KITCHEN IN A PRIVATE HOME WHERE FOOD IS PREPARED AT NO CHARGE FOR GUESTS IN THE HOME, FOR GUESTS AT A SOCIAL GATHERING, OR FOR SERVICE TO UNEMPLOYED, HOMELESS, OR OTHER DISADVANTAGED POPULATIONS.
2. A FOOD PREPARATION OR SERVING AREA WHERE FOOD IS PREPARED OR SERVED ONLY BY AN EXCLUDED ORGANIZATION, SUCH AS A NONPROFIT, FRATERNAL, CIVIC, WAR VETERANS, RELIGIOUS, OR CHARITABLE ORGANIZATION OR VOLUNTEER FIRE DEPARTMENT, AS DEFINED IN §21-301 OF THE HEALTH GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND OR;

3. A COTTAGE FOOD BUSINESS AS DEFINED IN §21-301 OF THE HEALTH GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND.
- C. “PLASTIC CARRYOUT BAG” MEANS A PLASTIC BAG THAT IS PROVIDED BY A RETAIL ESTABLISHMENT TO A CUSTOMER AT THE POINT OF SALE AND IS NOT A REUSABLE CARRYOUT BAG.
- D. “PLASTIC CARRYOUT BAG” INCLUDES A COMPOSTABLE PLASTIC BAG THAT MEETS THE SPECIFICATIONS OF THE AMERICAN SOCIETY OF TESTING AND MATERIAL INTERNATIONAL STANDARD SPECIFICATION FOR COMPOSTABLE PLASTICS D6400.
- E. “PLASTIC CARRYOUT BAG” DOES NOT INCLUDE A PLASTIC BAG USED TO:
1. PACKAGE BULK ITEMS, INCLUDING FRUIT, VEGETABLES, NUTS, GRAINS, CANDY, OR SMALL HARDWARE ITEMS;
 2. CONTAIN OR WRAP FRESH MEAT OR SEAFOOD;
 3. CONTAIN OR WRAP FLOWERS, POTTED PLANTS, OR OTHER DAMP ITEMS;
 4. CONTAIN UNWRAPPED PREPARED FOODS OR BAKERY GOODS;
 5. CONTAIN GARMENTS OR DRY-CLEANED CLOTHES, INCLUDING SUITES, JACKETS OR DRESSES;
 6. CONTAIN FRESHLY PREPARED HOT OR COLD FOOD, INCLUDING SLICED DELI AND FOODS PREPARED TO ORDER;
 7. PROVIDED BY A RETAIL ESTABLISHMENT TO TAKE LIVE FISH, INSECTS, MOLLUSKS, OR CRUSTACEANS AWAY FROM THE RETAIL ESTABLISHMENT.
- F. “REUSABLE CARRYOUT BAG” MEANS A BAG WITH STITCHED HANDLES SPECIFICALLY DESIGNED AND MANUFACTURED FOR MULTIPLE REUSE AND IS MADE OF: (1) CLOTH OR OTHER WASHABLE FABRIC; OR (2) A DURABLE MATERIAL SUITABLE FOR MULTIPURPOSE RE-USE THAT IS NOT MADE OF PLASTIC FILM.
- G. “RETAIL ESTABLISHMENT” MEANS A STORE, A FOOD SERVICE FACILITY, OR ANY OTHER ESTABLISHMENT THAT PROVIDES BAGS TO ITS CUSTOMERS AS A RESULT OF THE SALE OF A PRODUCT.

Section 2. **BE IT FURTHER ORDAINED AND ENACTED** by the Council of the City of Greenbelt that Chapter 10, “Licenses, Permits and Miscellaneous Business Regulations” Article VII, §10-72, “Disposable plastic bag use prohibited at point of sale “be and it is hereby enacted to read as follows:

§10-72 PROVISION OF PLASTIC CARRYOUT BAGS PROHIBITED AT POINT OF SALE, ON AND AFTER JANUARY 1, 2024. RETAIL ESTABLISHMENTS MAY NOT PROVIDE PLASTIC CARRYOUT BAGS TO CUSTOMERS AT THE POINT OF SALE.

Section 3. BE IT FURTHER ORDAINED AND ENACTED by the Council of the City of Greenbelt that Chapter 10, “Licenses, Permits and Miscellaneous Business Regulations”, Article VII, §10-73, “Required for provision of paper carryout bags” be and it is hereby enacted to read as follows:

§10-73 REQUIRED CHARGE FOR PROVISION OF PAPER CARRYOUT BAGS.

- A. 1. ON AND AFTER JANUARY 1, 2024, A RETAIL ESTABLISHMENT SHALL CHARGE, COLLECT, AND RETAIN AT LEAST TEN CENTS (\$.10) FOR EACH PAPER CARRYOUT BAG IT PROVIDES A CUSTOMER AT POINT OF SALE.
2. THE CHARGE FOR PAPER CARRYOUT BAGS SHALL NOT APPLY TO A PAPER BAG CONTAINING PRESCRIPTION MEDICATION PROVIDED BY A PHARMACHY TO A CUSTOMER.
- B. A RETAIL ESTABLISHMENT MAY NOT ADVERTISE, HOLD OR STATE TO THE PUBLIC OR TO A CUSTOMER, DIRECTLY OR INDIRECTLY, THAT REIMBURSEMENT OF ANY PART OF THE MONEY COLLECTED UNDER THIS SECTION WILL BE ASSUMED OR ABSORBED BY THE RETAIL ESTABLISHMENT OR REFUNDED TO THE CUSTOMER.
- C. A RETAIL ESTABLISHMENT SHALL INDICATE ON THE CONSUMER TRANSACTION RECEIPT THE NUMBER OF PAPER CARRYOUT BAGS PROVIDED BY THE STORE AND THE TOTAL AMOUNT OF MONEY CHARGED.

Section 4. BE IT FURTHER ORDAINED AND ENACTED by the Council of the City of Greenbelt that Chapter 10, “Licenses, Permits and Miscellaneous Business Regulations, §10-74, “Violations and Penalties” be and it is hereby enacted to read as follows:

§10-74 VIOLATIONS AND PENALTIES.

- A. THE PROVISION OF ONE OR MORE PLASTIC CARRYOUT BAGS PROHIBITED BY §10-72 AT A SINGLE POINT OF SALE IS A VIOLATION. THE FAILURE TO CHARGE THE AMOUNT OF MONEY REQUIRED UNDER §10-73 FOR THE PROVISION OF ONE OR MORE PAPER CARRYOUT BAGS AT A SINGLE POINT OF SALE IS A SINGLE VIOLATION. EACH DAY THE RETAIL ESTABLISHMENT COMMITS A VIOLATION CONSTITUTES A SEPARATE OFFENSE.
- B. A VIOLATION OF THIS ARTICLE SHALL CONSTITUTE A MUNICIPAL INFRACTION.

C. WHENEVER IT IS DETERMINED THERE ARE REASONABLE GROUNDS TO BELIEVE THERE HAS BEEN A VIOLATION OF ANY PROVISION OF THIS ARTICLE OR OF ANY RULE OR REGULATION ADOPTED PURSUANT THERETO, WRITTEN NOTICE OF SUCH ALLEGED VIOLATION WILL BE GIVEN TO THE OWNER/OPERATOR OF THE RETAIL ESTABLISHMENT, NOTICE MAY BE GIVEN IN PERSON OR BY REGULAR MAIL. FOR ANY SUBSEQUENT VIOLATION, THE OWNER/OPERATOR OF THE RETAIL ESTABLISHMENT SHALL BE SUBJECT TO A MUNICIPAL INFRACTION AND IS SUBJECT TO THE PENALTY PROVIDED HEREIN BELOW:

FIRST VIOLATION	WARNING
SECOND VIOLATION	\$250
EACH ADDITIONAL VIOLATION	\$500

Section 5. BE IT FURTHER ORDAINED AND ENACTED by the Council of the City of Greenbelt that upon formal introduction of this proposed Ordinance, which shall be by way of a motion duly seconded and without any further vote, the City Clerk shall distribute a copy to each Council member and shall maintain a reasonable number of copies in the office of the City Clerk and shall post at City Hall, to the official City website, to the City maintained email LISTSERV, and on the City cable channel, and if time permits, in any City newsletter.

The Ordinance shall be published as soon as possible after its adoption by posting it in a public place or places for ten days or, when required, by publishing it once within ten days in a newspaper of general circulation in the city, or both.

Section 6. BE IT FURTHER ORDAINED AND ENACTED by the Council of the City of Greenbelt, all ordinances and resolutions passed by the council shall take effect at the time indicated therein but not less than ten (10) days after the date of their passage, except ordinances of an emergency nature, which may, by direction of council, become effective on date of passage. (1937, Ch. 532, §10; 1939, Ch. 632)

If any section, subsection, provision, sentence, clause, phrase or word of this Ordinance is for any reason held to be illegal or otherwise invalid by a court of competent jurisdiction, such invalidity shall be severable, and shall not affect or impair any remaining section, subsection, provision, sentence, clause, phrase, or word included within this Ordinance, it being the intent of the City that the remainder of the Ordinance shall remain in full force and effect, valid and enforceable.

INTRODUCED by the Council of the City of Greenbelt at a regular meeting on the 8th day of May 2023.

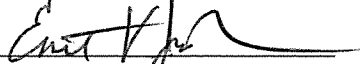
ADOPTED by the Council of the City of Greenbelt at a regular meeting on the 22nd day of May 2023.

EFFECTIVE the 1st day of January 2024.

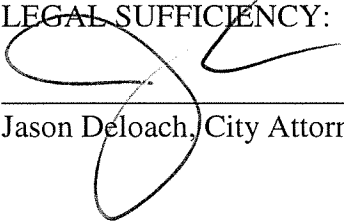
ATTEST:

By: 
Bonita Anderson, City Clerk

CITY OF GREENBELT

By: 
Emmett V. Jordan, Mayor

**APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:**


Jason DeLoach, City Attorney