

**TOWN COUNCIL OF CENTREVILLE
ORDINANCE NO. 02-2023**

AN ORDINANCE OF THE TOWN COUNCIL OF CENTREVILLE TO AMEND THE TOWN CODE TO CREATE A NEW CHAPTER 102 OF THE TOWN CODE REGARDING PLASTIC BAGS TO PROHIBIT RETAIL ESTABLISHMENTS FROM PROVIDING PLASTIC CARRYOUT BAGS TO CUSTOMERS AND INCENTIVIZE USE OF REUSABLE BAGS

WHEREAS, the Town Council of Centreville is authorized by § 5-202 of the Local Government Article of the Annotated Code of Maryland to adopt ordinances to assure the good government of the municipality; protect and preserve the municipality's rights, property, and privileges; preserve peace and good order; secure persons and property from danger and destruction, and protect the health, comfort, and convenience of the residents of the municipality;

WHEREAS, single-use plastic carryout bags generate significant public costs in disposal, contamination and litter control, as well as contribute to negative environmental impacts including but not limited to:

1. Constitute a nuisance and an eyesore, detracting from the natural beauty of the Town and the Eastern Shore;
2. Cause sorting machines to break down, causing delays and adding repair costs;
3. Production of single-use plastic carryout bags uses fossil fuels that generate excess greenhouse gas emissions which contribute to climate change;
4. Represent a significant hazard to animals like birds, sea turtles, marine mammals, and land animals with hundreds of thousands of animal deaths attributed to ingesting discarded plastic bags; and
5. Break down into microplastics, contaminating the soil and water that pose threats to marine life and human health;

WHEREAS, the manufacture of single-use plastic bags involves toxic chemicals, generates significant air and water pollution, and the bags contribute to single-use waste;

WHEREAS, the Town Council of Centreville has determined that the adoption of restrictions prohibiting retailers in the Town of Centreville from providing customers with single-use plastic bags is a necessary and appropriate measure to protect people and the environment;

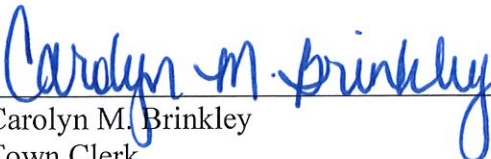
WHEREAS, the Town Council of Centreville finds that the health, safety and general welfare of the citizens of the Town of Centreville will be furthered by adding a new Chapter 102 to the Town Code to prohibit retail establishments from providing plastic bags to customers;

WHEREAS, for food sanitation and handling purposes, food service facilities may not allow customers to use their own reusable carryout bags, and therefore, given that reusable carryout bags are not an option for some food service facilities, the Town Council of Centreville wishes to exempt them from the fee for paper bags.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of Centreville:

1. That the Town Code is hereby amended to add a new Chapter 102 entitled Plastic Bags, the text of which is attached hereto as Exhibit "A" with new material shown in **bold underlined** and deleted language shown with **~~bold-strikeout~~**.
2. This Ordinance shall become effective on January 1, 2024.

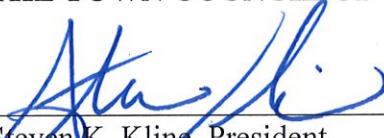
ATTEST:



Carolyn M. Brinkley
Town Clerk

First Reading: May 4, 2023
Second Reading: May 18, 2023
Enacted: July 20, 2023
Effective: January 1, 2024
(21st calendar day after enactment)

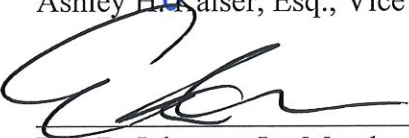
THE TOWN COUNCIL OF CENTREVILLE



Steven K. Kline, President




Ashley H. Kaiser, Esq., Vice President



Eric B. Johnson, Jr., Member

RECUSED

Daniel B. Worth, Member



Jim A. Beauchamp, Member

Chapter 102 Plastic Carryout Bags

102-1 Definitions

102-2 Prohibition on providing plastic carryout bags

102-3 Exemptions

102-4 Penalties

102-1 Definitions:

For the purpose of this Chapter, the following words and terms shall have the following meanings, unless another meaning is plainly intended:

“Excluded organization” means:

- A. A bona fide nonprofit fraternal, civic, war veterans’, religious, or charitable organization or corporation that does not serve food to the public more often than four (4) days per week except that once a year an organization may serve food to the public for up to thirty (30) consecutive days; and
- B. A volunteer fire company that does not serve food to the public more often than four (4) days per week except that once a year a volunteer fire company may serve food to the public for up to thirty (30) consecutive days.

“Food Service Facility” means:

- A. A place where food or drink is prepared for sale or service on the premises or elsewhere; or
- B. Any operation where food is served to or provided for the public, with or without charge.

“Food Service Facility” does not include:

- A. 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;
- B. A food preparation or serving area where food is prepared or served only by an excluded organization;
- C. A location in a farmer’s market or at a public festival or event where raw agricultural products are sold; or
- D. A cottage food business as that term is defined in the Code of Maryland Regulations 10.15.03.

“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. “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.

“Reusable carryout bag” means a bag with stitched handles that is specifically designed and manufactured for multiple reuse and is made of:

- A. Cloth or other washable fabric; or

B. A durable material suitable for multiple re-use that is not made of plastic film.

“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.

102-2 Prohibition on providing plastic carryout bags

- A. A retail establishment may not provide a plastic carryout bag to a customer.
- B. A retail establishment, with the exception of food service facilities, shall charge, collect and retain at least 10 cents for each paper carryout bag and reusable carryout bag that it provides to a customer.
- C. A retail establishment may not advertise, hold out, or state to the public or to a customer directly or indirectly, that reimbursement for any part of the money collected under this section will be assumed or absorbed by the retail establishment or refunded to the customer.
- D. A retail establishment, with the exception of food service facilities, shall indicate on the consumer transaction receipt the number of paper and reusable carryout bags provided by the retail establishment and the total amount of money charged.

102-3 Exemptions

The prohibition contained in § 102-2 does not apply to the following types of plastic bags:

- A. A plastic bag solely used to:
 - 1. Package bulk items, including fruits, vegetables, nuts, grains, candy, or small hardware items;
 - 2. Contain or wrap frozen foods, meat, fish, or cheese whether prepackaged or not;
 - 3. Contain or wrap flowers, potted plants, or other damp items;
 - 4. Contain unwrapped prepared foods or bakery goods;
 - 5. Contain a newspaper;
 - 6. Protect suits, jackets, dresses, and formal wear or protect dry-cleaning; or
 - 7. Contain ice.
- B. Plastic bags sold in packages containing multiple plastic bags; or
- C. A plastic bag provided by a retail establishment to take live fish, insects, mollusks, or crustaceans away from the retail establishment.
- D. The charge for paper carryout bags provided for in § 102-2B shall not apply to a paper bag containing prescription medication or prescription products provided by to a customer.

102-4 Violations and Penalties

- A. Subject to the provisions of paragraph D herein, a retail establishment found in violation of this section shall be guilty of a municipal infraction, subject to the penalties provided in § 1-14.B.5.a of the Town Code.
- B. The provision of one or more plastic carryout bags at a single point of sale is a single violation.

- C. The failure to charge the fees required under § 102-2 for the provision of one or more paper or reusable carryout bags at a single point of sale is a single violation.
- D. A penalty may not be imposed under this section unless a retail establishment is first issued a written notice of violation.
- E. Each instance that the retail establishment commits a violation constitutes a separate offense.