

**THE CITY OF FREDERICK
MAYOR AND BOARD OF ALDERMEN**

ORDINANCE NO. G-23-06

AN ORDINANCE concerning carryout bags

FOR the purpose of creating a new chapter; prohibiting certain business from providing plastic carryout bags to their customers; and otherwise generally relating to carryout bags in the City of Frederick.

BY adding
 Chapter 32
 Article I
 The Code of the City of Frederick, 1966 (as amended)

SECTION I. BE IT ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That Chapter 32, Article I is added to The Code of the City of Frederick, 1966 (as amended) to read as follows:

CHAPTER 32. ENVIRONMENTAL SUSTAINABILITY.

ARTICLE I. CARRYOUT BAGS

§ 32-1. Purpose.

This article is adopted to improve the environment of the City and protect the health and welfare of its residents by reducing the number of single-use plastic bags in the stream of commerce and waste; and encouraging the use of reusable carryout bags.

§ 32-2. Definitions.

- (a) **Generally.** In this article, the following words have the meanings indicated.
- (b) **Plastic carryout bag.** "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.
- (1) "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.
- (2) "Plastic carryout bag" does not include a bag sold in packages containing multiple plastic bags and packaged at the time of manufacture of the bag, including trash bags or food storage bags. "Plastic carryout bag" also does not include a plastic bag:
- (A) Used by consumers to package items from bulk containers, such as fruit, vegetables, nuts, grains, candy, or small hardware items (such as nuts, bolts, and screws);

- (B) Used solely to contain or wrap uncooked meat, fish, or other unwrapped or non-prepackaged food, flower, plant, or other item for the purpose of separating it from other items to avoid contamination, prevent damage from moisture, or for sanitary, public health, or environmental protection purposes;
 - (C) Used as a garment bag, such as over-the-hanger bags or those used by a dry cleaner or laundry service; or
 - (D) Used solely to package live fish, insects, mollusks, crustaceans, or other aquatic items requiring a waterproof bag.
- (c) **Reusable carryout bag.** “Reusable carryout bag” means a bag with stitched handles that is specifically designed and manufactured for multiple reuse and is made of:
- (1) Cloth or other washable fabric; or
 - (2) A durable material suitable for multiple reuse that is not made of plastic film.
- (d) **“Retail establishment”** means a store, a food service facility as defined in §21-301 of the Health-General Article, or any other business that through its employees or independent contractors provides bags to its customers as a result of the sale of a product.

§ 32-3. Prohibition. On or after January 1, 2024, a retail establishment may not provide a plastic carryout bag to a customer.

§ 32-4. Penalties.

- (a) **Municipal infraction.** Violation of any provision of this article is a municipal infraction punishable by a fine not to exceed \$500. The provision of one or more plastic carryout bags at a single point of sale is a single violation.
- (b) **Additional remedies.** In addition to the penalty established in subsection (a) of this section, the City may pursue any action available at law or in equity to remedy violations of this article.

SECTION II. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That in the event any provision, section, sentence, clause, or part of this ordinance shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of this ordinance, it being the intent of the City that such remainder shall be and shall remain in full force and effect.

SECTION III. BE IT FURTHER ENACTED AND ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF FREDERICK, That this ordinance shall take effect on the date it is signed by the mayor and all other ordinances or parts of ordinances inconsistent with the provisions of this ordinance will as of that date be repealed to the extent of such inconsistency.

PASSED:

DATE:

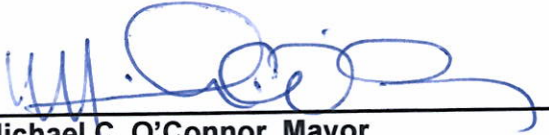


May 4, 2023

**Michael C. O'Connor, President,
Board of Aldermen**

APPROVED:

DATE:



May 5, 2023

Michael C. O'Connor, Mayor

Approved for Legal Sufficiency:



City Attorney