

**ORDINANCE**  
**OF THE MAYOR AND COUNCIL OF THE CITY OF COLLEGE PARK AMENDING**  
**CHAPTER 129, “LICENSES”, BY RENAMING THE CHAPTER AS “LICENSES AND**  
**BUSINESS REGULATION”; BY DIVIDING THE CHAPTER INTO TWO ARTICLES;**  
**BY REPEALING AND REENACTING §129-3, “VIOLATIONS AND PENALTIES”; BY**  
**ENACTING §§ 129-12, “DEFINITIONS”, §129-13, “PROVISION OF PLASTIC**  
**CARRYOUT BAG USE AT POINT OF SALE PROHIBITED”, §129-14, “REQUIRED**  
**CHARGE FOR PROVISION OF PAPER AND REUSABLE CARRYOUT BAGS”, §129-**  
**15 “VIOLATIONS AND PENALTIES”, AND §129-16, “RULES AND REGULATIONS”;**  
**AND BY REPEALING AND REENACTING CHAPTER 110, “FEES AND PENALTIES”,**  
**§110-12“PENALTIES” 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 AND REUSABLE CARRYOUT BAG PROVIDED TO CUSTOMERS AND TO**  
**PROVIDE A PENALTY FOR VIOLATION**

**WHEREAS**, pursuant to §5-201 *et seq.* of the Local Government Article, Annotated Code of Maryland, the City of College Park, 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 use natural resources, generate greenhouse gas emissions, contribute to climate change, are a source of pollution, and are a significant source of harmful and unsightly litter both on land and in the waterways, including the Anacostia Watershed; and

**WHEREAS**, City residents consume approximately 12.7 million plastic bags annually that are used for a few minutes, then incinerated, landfilled, or left in the environment as litter; and

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CAPS	: Indicate matter added to existing law.
[Brackets]	: Indicate matter deleted from law.
Asterisks * * *	: Indicate matter remaining unchanged in existing law but not set forth in Ordinance
CAPS	: Indicate matter added in amendment
[Brackets]	: Indicate matter deleted in amendment

**WHEREAS**, research demonstrates that over 75 percent of shoppers at College Park retail establishments take complementary single-use plastic carry out bags when they are offered at the point of sale; and

**WHEREAS**, littered plastic bags become micro-plastics and are harmful or fatal for land animals, birds, and marine life; and

**WHEREAS**, scientists estimate that 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**, 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, adversely impact quality of life and the ability to attract new businesses; and

**WHEREAS**, single-use paper bags require the felling of trees that otherwise would mitigate climate impacts, use numerous harmful chemicals and significant amounts of water in their manufacture, have a substantial carbon footprint, and contribute to litter and the waste stream; 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**, encouraging the use of reusable bags will help College Park achieve its goals of reducing litter, improving the quality and appearance of the natural environment,

reduce trash going to landfill, and reduce climate emissions that are incorporated into the City's 2020-2025 Strategic Plan; and

**WHEREAS**, the Committee for a Better Environment presented the idea of prohibiting the use of plastic carryout bags at City retail establishments, and requiring the retail establishments to charge a fee of at least ten cents (\$.10) for each paper carryout bag and reusable carryout bag provided to customers, to the City Council on November 15, 2022; and

**WHEREAS**, the Mayor and Council have determined that it is in the public interest to prohibit a retail establishment from providing a plastic carryout bag to customers, and to require that retail establishments charge at least \$.10 for each paper carryout bag and reusable carryout bag provided to customers.

**Section 1.** **NOW THEREFORE, BE IT ORDAINED AND ENACTED**, by the Mayor and Council of the City of College Park, Maryland that Chapter 129, "Licenses" be and it is hereby renamed as Chapter 129, "Licenses and Business Regulation",

**Section 2.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, "Licenses" be and is hereby divided into two Articles, entitled Article I, "Licenses" and Article II, "Business Regulation".

**Section 3.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, "Licenses", Article I, "Licenses", shall include the provisions of §129-1, "License required", through §129-9, "Solicitors" and shall also reserve §§129-10 and 129-11 and Article II, "Business Regulation" shall include the sections that begin with §129-12.

**Section 4. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, Article I, “Licenses”, §129-3, “Violations and penalties” be and it is hereby repealed, reenacted and amended to read as follows:

§ 129-3 Violations and penalties.

Any person who shall violate any provision of this [~~chapter~~] ARTICLE or any provision of any rule or regulation adopted by the Mayor and Council pursuant to the authority granted by this [~~chapter~~] ARTICLE shall be issued a notice containing the requirement that the violation must be fully corrected within 10 days from the date of the notice and that, in the event that [~~he/she fails to do so~~] THE PERSON FAILS TO DO SO within the ten-day period, a citation shall be delivered to [~~him/her~~] THE PERSON in accordance with the provisions of § C8-3 of the City Charter and [~~Article 23A, § 3(b)(2)~~], of the LOCAL GOVERNMENT ARTICLE, Annotated Code of Maryland, advising [~~him/her~~] THE PERSON of the imposition of a fine as set forth in Chapter 110, Fees and Penalties, payable to the City. In the event that [~~he/she elects not to stand trial for the violation and~~] the violation is not fully corrected, within the following ten-day period, a second citation shall be delivered to [~~him/her~~] THE PERSON IN VIOLATION [~~in accordance with the same provisions advising him/her of the imposition of~~] IMPOSING an additional fine in the amount as set forth in Chapter 110, Fees and Penalties. For each successive five-day period in which [~~he/she elects not to stand trial for the violation and~~] the violation is not fully corrected, an additional citation [shall be delivered to [~~him/her~~] advising him/her of the imposition of] WITH an additional fine as set forth in Chapter 110, Fees and Penalties, MAY BE ISSUED TO THE VIOLATOR.

**Section 5. BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, “Licenses and Business Regulation”, Article II, “Business Regulation”, §129-12, “Definitions” be and it is hereby enacted to read as follows:

#### **§129-12 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.

2. "FOOD SERVICE FACILITY" INCLUDES A MICRO MARKET LICENSED UNDER TITLE 17, SUBTITLE 17 OF THE BUSINESS REGULATION ARTICLE AND A FARMERS' MARKET.

**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(E) OF THE HEALTH GENERAL ARTICLE, ANNOTATED CODE OF MARYLAND;  
OR

3. A COTTAGE FOOD BUSINESS AS DEFINED IN § 21-301(B-1) 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 SUITS, JACKETS, AND DRESSES;
6. OR 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 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 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 6.** BE IT FURTHER ORDAINED AND ENACTED by the Mayor and Council of the City of College Park that Chapter 129, "Licenses and Business Regulation", Article

II, "Business Regulation" §129-13, "Disposable plastic bag use prohibited at point of sale" be and it is hereby enacted to read as follows:

§129-13 PROVISION OF PLASTIC CARRYOUT BAGS PROHIBITED AT POINT OF SALE.  
ON AND AFTER SEPTEMBER 1, 2023, RETAIL ESTABLISHMENTS MAY NOT  
PROVIDE PLASTIC CARRYOUT BAGS TO CUSTOMERS AT THE POINT OF SALE.

**Section 7.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, "Licenses and Business Regulation", Article II, "Business Regulation", §129-14, "Required charge for provision of paper and reusable carryout bags" be and it is hereby enacted to read as follows:

§129-14 REQUIRED CHARGE FOR PROVISION OF PAPER AND REUSABLE  
CARRYOUT BAGS.

A. 1. ON AND AFTER SEPTEMBER 1, 2023, A RETAIL ESTABLISHMENT SHALL  
CHARGE, COLLECT, AND RETAIN AT LEAST TEN CENTS (\$.10) FOR EACH  
PAPER CARRYOUT BAG AND REUSABLE CARRYOUT BAG THAT IT  
PROVIDES TO A CUSTOMER, WITH THE EXCEPTION THAT THE CITY WILL  
DESIGNATE ONE WEEK PER YEAR WHEN RETAIL ESTABLISHMENTS MAY  
PROVIDE REUSABLE BAGS FREE OF CHARGE TO CUSTOMERS.

2. THE CHARGE FOR PAPER CARRYOUT BAGS SHALL NOT APPLY TO A  
PAPER BAG CONTAINING PRESCRIPTION MEDICATION PROVIDED BY A  
PHARMACY TO A CUSTOMER.

B. A RETAIL ESTABLISHMENT MAY NOT ADVERTISE, HOLD OUT, 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 AND REUSABLE CARRYOUT BAGS PROVIDED BY THE STORE AND THE TOTAL AMOUNT OF MONEY CHARGED.

**Section 8.**     **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, “Licenses and Business Regulation”, Article II, “Business Regulation” §129-15, “Violations and penalties” be and it is hereby enacted to read as follows:

§129-15 VIOLATIONS AND PENALTIES.

- A. THE PROVISION OF ONE OR MORE PLASTIC CARRYOUT BAGS PROHIBITED BY §129-13 AT A SINGLE POINT OF SALE IS A SINGLE VIOLATION. THE FAILURE TO CHARGE THE AMOUNT OF MONEY REQUIRED UNDER §129-14 FOR THE PROVISION OF ONE OR MORE PAPER OR REUSABLE CARRYOUT BAGS AT A SINGLE POINT OF SALE IS A SINGLE VIOLATION. EACH DAY THAT THE RETAIL ESTABLISHMENT COMMITS A VIOLATION CONSTITUTES A SEPARATE OFFENCE.
- B. A VIOLATION OF THIS ARTICLE SHALL CONSTITUTE A MUNICIPAL INFRACTION.
- C. WHENEVER IT IS DETERMINED THAT THERE ARE REASONABLE GROUNDS TO BELIEVE THAT 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 FINE AS SET OUT IN CHAPTER 110, FEES AND PENALTIES.

**Section 9.** **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park that Chapter 129, “Licenses and Business Regulation”, Article II, “Business Regulation” §129-16, “Rules and regulations” be and it is hereby enacted to read as follows:

§129-16. RULES AND REGULATIONS.

RULES AND REGULATIONS DEEMED NECESSARY TO IMPLEMENT THIS ARTICLE MAY BE ADOPTED BY RESOLUTION AND ARE SUBJECT TO THE SAME PENALTIES AS SET OUT IN §129-15.

**Section 10.** **BE IT FURTHER ENACTED**, by the Mayor and Council of the City of College Park that Chapter 110, “Fees and Penalties”, §110-12 “Penalties”, be and it is hereby repealed, re-enacted and amended to read as follows:

**§110-2 Penalties.**

Unless otherwise noted herein, the violation of a City ordinance or resolution is a municipal infraction. The following fines and/or imprisonment for violations of various ordinances or resolutions are applicable in the City of College Park:

<b>Chapter/Section</b>	<b>Violation</b>	<b>Penalty</b>
<b>Ch. 129, Licenses AND BUSINESS REGULATION</b>		

§ 129-3      [~~Chapter~~] ARTICLE I:

First [~~citation~~] VIOLATION      \$100  
 Second [~~citation~~] VIOLATION      \$200  
 Each additional 5 days              \$200

§129-15      ARTICLE II

FIRST VIOLATION                      \$500  
 EACH ADDITIONAL DAY              \$500

**Section 11.**      **BE IT FURTHER ORDAINED AND ENACTED** by the Mayor and Council of the City of College Park 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 e-mail LISTSERV, and on the City cable channel, and if time permits, in any City newsletter, the proposed ordinance or a fair summary thereof together with a notice setting out the time and place for a public hearing thereon and for its consideration by the Council.

The public hearing, hereby set for 7:30 P.M. on the 14<sup>TH</sup> day of February, 2023, shall follow the publication by at least seven (7) days, may be held separately or in connection with a regular or special Council meeting and may be adjourned from time to time. All persons interested shall have an opportunity to be heard. After the hearing, the Council may adopt the proposed ordinance with or without amendments or reject it. That this Ordinance shall become effective on September 1, 2023 provided that, as soon as practicable after adoption, the City Clerk shall post a fair summary of the Ordinance and notice of its adoption at City Hall, to the official City website, to the City-maintained e-mail LISTSERV, on the City cable channel, and in any City newsletter.

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 any 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 be and shall remain in full force and effect, valid and enforceable.

**INTRODUCED** by the Mayor and Council of the City of College Park at a regular meeting on the 31<sup>st</sup> day of January 2023.

**ADOPTED** by the Mayor and Council of the City of College Park at a regular meeting on the \_\_\_\_\_ day of \_\_\_\_\_ 2023.

**EFFECTIVE** the \_\_\_\_ day of \_\_\_\_\_, 2023.

**ATTEST:**

**CITY OF COLLEGE PARK**

By: \_\_\_\_\_  
Janeen S. Miller, CMC, City Clerk

By: \_\_\_\_\_  
Patrick L. Wojahn, Mayor

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

\_\_\_\_\_  
Suellen M. Ferguson, City Attorney