

ORDINANCE NO. 784

AN ORDINANCE OF THE TOWN OF EASTON PROHIBITING  
RETAIL ESTABLISHMENTS IN THE TOWN FROM PROVIDING  
CUSTOMERS WITH SINGLE USE DISPOSABLE PLASTIC BAGS AND  
PROVIDING FOR EXEMPTIONS FROM THE PROHIBITION AND  
PENALTIES FOR VIOLATIONS

INTRODUCED BY Mr. Silverstein

WHEREAS, the Town of Easton is authorized by § 5-202 of the Local Government Article of the Maryland Annotated Code (the "Code") 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 cost in disposal and litter control, as well as contribute to negative environmental impacts, including but not limited to the following:

1. Contribute to overburdened publicly financed landfills, with significant costs to the public for cleanup and disposal;
2. Constitute a nuisance and an eyesore, detracting from the natural beauty of the Town and the Eastern Shore;
3. Cause sorting machines to break down, causing delays and adding repair costs;
4. Production uses fossil fuels that generate greenhouse gas emissions which contribute to climate change;
5. Designed to be disposable rather than reusable;
6. Break down in tiny bits, contaminating the soil and water and can pose threats to marine life and enter the food chain;
7. Represent a significant hazard to marine animals and birds, with hundreds of thousands of sea turtles, whales, and other marine mammals dying every year from ingesting discarded plastic bags mistaken for food, as well as land animals that ingest plastic bags,

choke on them, and suffer intestinal blockage, leading to death; and

WHEREAS, the Town Council has determined that the adoption of restrictions prohibiting businesses in the Town from providing customers with single use disposable plastic bags is a necessary and appropriate measure to protect the environment.

NOW, THEREFORE, the Town of Easton hereby ordains:

Section 1. Chapter 18 of the Town Code entitled Offenses-Miscellaneous is hereby amended to add a new section 18-17 to read as follows:

***Section 18-7. Prohibition on providing customers with single use disposable plastic bags at point of sale***

***(a) Except as provided in Subsection (c), retail establishments shall not provide single use disposable plastic bags to customers at the point of sale.***

***(b) For the purpose of this Section, the following definitions shall apply:***

***(1) Retail establishment means any person and/or establishment engaged in the sale of goods, including but not limited to any grocery store, convenience store, shop, department store, service station, or other sales outlet where a customer can buy goods. Retail establishment shall not include restaurants or food service facilities. For the purpose of this section "food service facility" shall have the meaning provided in COMAR 10.15.03.02.B(34).***

***(2) Single use disposable plastic bag means a carryout bag made of plastic that is not a reusable carryout bag.***

***(3) Reusable carryout bag means a carryout bag that: (1) is made of polypropylene, PET nonwoven fabric, nylon, cloth, hemp product, or other machine washable fabric; (2) has stitched handles; and (3) is designed and manufactured for multiple reuses.***

***(c) This Section does not apply to a disposable plastic bag solely used to contain:***

- (1) fresh fish, meat, poultry, and fresh fish, meat, and poultry products;***
- (2) otherwise unpackaged fruits, nuts, vegetables, confectionary, fresh cheese, or baked goods***
- (3) ice;***
- (4) food and goods obtained at a farmers' market;***
- (5) prescription drugs obtained from a pharmacy;***

- (6) *newspapers;*
- (7) *dry-cleaned or laundered items;*
- (8) *packages of multiple bags intended for use for disposition of garbage, food storage, pet waste, or yard waste;*
- (9) *plant material, flowers or potted plants to prevent spoilage of the item or moisture damage to other purchases;*
- (10) *live creatures such as fish, insects, mollusks, or crustaceans from a retail establishment selling such items in the normal course of business; or*
- (11) *freshly-prepared hot or cold food, including sliced deli and foods prepared to order.*

*(d) Retail establishments may offer customers paper bags, for a fee of not less than ten cents (\$0.10) per bag, for the purpose of carrying goods or other materials away from the point of sale. The fee charged shall be paid by the customer. The sales receipt shall reflect both the number of paper bags provided to the customer and the fee collected for the paper bags. The fee charged shall be retained by the retail establishment. Retail establishments shall not provide any rebate, exemption or reimbursement to customers for the paper bag fee provided for in this section.*


*(e) Any owner, representative, or retail establishment who violates this Section shall be guilty of a municipal infraction. A written warning shall be issued for the first violation. A subsequent violation of this Section shall be subject to a fine as adopted by Resolution. A transaction involving multiple plastic bags distributed to a single customer shall constitute one offense.*

Language to be deleted is shown in ~~strikethrough~~ text  
 Language to be added is shown in ***bold italics***

Section 2. In accordance with Article II, Section 9 of the Easton Town Charter, this ordinance shall become effective April 2, 2023.

Silverstein	-	Yea
Abbatiello	-	Yea
Engle	-	Yea
Davis	-	Yea
Cook	-	Yea

I hereby certify that the above Ordinance was passed by a yea and nay vote of the Council this sixth day of September, 2022.

  
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 Megan J. M. Cook, Town Council President

Delivered to the Mayor by me this sixth day of September, 2022.

  
Kathy M. Ruf, Town Clerk

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APPROVED: September 6, 2022  
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Date: September 6, 2022

  
Robert C. Willey, Mayor

EFFECTIVE DATE: April 2, 2023.