

COMMISSIONERS OF OXFORD

ORDINANCE NUMBER 2412

INTRODUCED BY: _____

DATE OF INTRODUCTION: _____

**AN ORDINANCE OF THE COMMISSIONERS OF OXFORD TO AMEND
THE OXFORD TOWN CODE TO PROHIBIT RETAIL
ESTABLISHMENTS IN THE TOWN FROM PROVIDING CUSTOMERS
WITH SINGLE USE DISPOSABLE PLASTIC BAGS**

Introduced, read first time, ordered posted, and public hearing scheduled on _____
____, 2024 at 6:00 p.m. at the Oxford Town Meeting Room, Market Street, Oxford,
Maryland 21654.

By Order _____
Town Clerk

I hereby certify that the foregoing Ordinance Number 2412 of the Town of Oxford
was duly read, advertised, and enacted in accordance with the applicable provisions of the
Charter of the Town of Oxford on this ____ day of _____, 2024.

Attest:

Vickie Sharp, Clerk/Treasurer
Town of Oxford

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WHEREAS, the Charter of the Town of Oxford Section C3-3 authorizes the Commissioners of Oxford to receive an annual salary;

WHEREAS, the Commissioners of Oxford are authorized by MD Code, Local Government, § 5-202 to adopt such ordinances, not contrary to the Constitution of Maryland, public general law or public local law, as the Commissioners of Oxford deem necessary to assure the good government of the municipality, to preserve peace and order, to secure persons and property from damage and destruction, and to protect the health, comfort and convenience of the citizens of the Town;

WHEREAS, the Charter of the Town of Oxford authorizes the Commissioners to establish said salary, and from time to time, by ordinance, provided that the salary shall not be changed during the period for which that Commissioner was elected;

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. Contribute to overburdened publicly financed landfills, with significant costs to the public for cleanup, maintenance, and disposal;
2. Constitute a nuisance and an eyesore, detracting from the natural beauty of the Town and the Choptank River;
3. Cause sorting machines to break down, along with associated delays and added repair costs;
4. Production of single-use plastic carryout bags uses fossil fuels that generate excess greenhouse gas emissions which contribute to climate change;
5. Represent a significant hazard to animals like birds, sea turtles, and marine mammals, with hundreds of thousands of animal deaths attributed to marine debris every year; and
6. Break down into microplastics, contaminating the soil and water that pose threats to marine life and human health.

WHEREAS, the Commissioners of Oxford have determined that the adoption of restrictions prohibiting retailers in the Town from providing customers with single use plastic bags

is a necessary and appropriate measure to protect people and the environment;

WHEREAS, the Commissioners of Oxford find that the health, safety and general welfare of the citizens of the Town will be furthered by adding new Section 17.22 of the Town of Oxford Code to prohibit retail establishments from providing plastic carryout bags to customers; and

WHEREAS, the Commissioners of Oxford have determined that the addition of Section 17.22 of the Town Code set forth herein shall be adopted.

NOW, THEREFORE, the Commissioners of Oxford hereby ordain as follows:

Section 1. Article VI, Section 17.22 of the Oxford Town Code is hereby repealed and replaced as follows:

Section 17.22. 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 transaction involving multiple plastic bags distributed to a single customer shall constitute one offense. A written warning shall be issued for the first violation.

Section 2. Article VII, Section 17.22 titled, “Bay Restoration Financial Hardship Program” of the Oxford Town Code is hereby renumbered to Section 17.23 as follows:

Section ~~17.22~~ **17.23** Bay Restoration Financial Hardship Program.

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Section 3. This Ordinance shall take effect twenty days from its enactment.

ENACTED this _____ day of _____, 2024.

COMMISSIONERS OF OXFORD:

Normal Bell, President

Thomas Costigan, Commissioner

Katrina Greer, Commissioner

Language to be deleted is shown in ~~strikethrough~~ text

Language to be added is shown in ***bold italics***

I hereby certify that the foregoing Ordinance Number 2412 of the Town of Oxford was duly read, advertised, and enacted with the applicable provisions of the Charter of the Town of Oxford on this _____ day of _____, 2024.

ATTEST:

Vickie Sharp
Clerk-Treasurer