

**EMERGENCY ORDINANCE NO. 937**

**AN ORDINANCE AMENDING THE CODE OF THE CITY OF  
WESTMINSTER, CHAPTER 173, “ENVIRONMENTAL  
SUSTAINABILITY”, ARTICLE I, “PLASTIC BAGS”, SECTION 173-2,  
“DEFINITIONS”, TO CLARIFY THE DEFINITION OF PROHIBITED  
SINGLE-USE BAGS.**

WHEREAS, pursuant to the Local Gov’t Art., § 5-206 of the Maryland Annotated Code, the Mayor and Common Council of Westminster (“the City”) has the authority to enact 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; and

WHEREAS, hundreds of thousands of sea turtles, whales and other marine mammals die every year from eating discarded plastic bags mistaken for food and once swallowed, plastic bags choke animals or block their intestines, leading to death; and

WHEREAS, many land animals also accidentally ingest plastic bags while foraging for food; and

WHEREAS, beaches around the globe are being adversely impacted by the unsightly accumulation of plastic waste, including plastic bags, and plastic bags frequently degrade public aesthetics by lodging in trees and in streets and gutters everywhere; and

WHEREAS, in a landfill, plastic bags take up to 1,000 years to degrade and, as litter, they breakdown into tiny bits, contaminating the soil and water that can pose threats to marine life and contaminate the food web; and

WHEREAS, collection, hauling and disposal of plastic bag waste create an additional environmental impact, because billions of pounds of plastic bags, wraps and sacks enter the waste stream every year in the United States alone, putting an unnecessary burden on diminishing landfill space and causing air pollution if incinerated; and

WHEREAS, recycling requires energy for the collection and processing; and

WHEREAS, the Mayor and Common Council deemed the adoption of restrictions on the distribution at business establishments of single-use plastic bags a necessary and appropriate measure to protect the environment in the City and the planet; to reduce the presence of unsightly plastic bags in the public streets, gutters, rights-of-way, and trees; to protect the City’s watershed,

- UNDERLINED SMALL CAPS : Indicate matter added to existing law.  
~~Double strikethrough~~ : Indicates matter deleted from ordinance after introduction.  
Double underlining : Indicates matter added to ordinance after introduction.

protect wildlife such as birds from injury due to plastic bags; and to reduce the City’s impact on climate change; and

WHEREAS, the Mayor and Common Council, for the aforesaid reasons, adopted Chapter 173, “Environmental Sustainability”, Article I, “Plastic Bags”, banning the distribution of single-use plastic bags by business in the City, with certain exceptions, which ordinance became effective on July 1, 2021; and

WHEREAS, as City businesses begin to comply with the prohibitions of Chapter 173, it has become clear that the community lacks a clear understanding of the scope of the prohibition and that further amplification of the definition of single-use plastic bags will help alleviate uncertainty and further the interest of obtaining compliance; and

WHEREAS, the Common Council deems the clarification of sufficient urgency to be necessary for the immediate preservation of the public peace, property, health, safety or morals and therefore declares that an emergency exists warranting the suspension of the requirements that an ordinance have two readings and that an ordinance take effect ten (10) days after adoption set forth in the Council’s Rules of Order and Procedure, so as to allow this ordinance to take effect immediately.

**Section 1.** NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Mayor and Common Council of Westminster, that Chapter 173, “Environmental Sustainability”, Article I, “Plastic Bags”, Section 173-2, “Definitions”, be and hereby is amended to read as follows:

Sec. 173-2. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

A. Business establishment. Any commercial enterprise that provides carryout bags to its customers through its employees or independent contractors associated with the business. The term includes sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, whether for profit or not for profit.

B. Customer. A person who purchases merchandise from a business establishment.

C. Single-use plastic carryout bag. A bag LESS THAN 3 MILS THICK ~~provided by a business establishment to a customer typically at the point of sale for the purpose of transporting purchases, which is made predominantly of plastic, derived from either petroleum or a biologically based source and including compostable bags, but not including reusable carryout bags.~~ THAT IS PROVIDED BY A BUSINESS ESTABLISHMENT TO A CUSTOMER FOR THE PURPOSE OF TRANSPORTING PURCHASES.

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**Section 2.** **BE IT FURTHER ORDAINED** by the Mayor and Common Council of Westminster that this Ordinance shall take effect immediately, except that if it is returned unsigned by the Mayor at the next meeting of The Mayor and Common Council, together with the Mayor's reasons for withholding her signature therefrom, and is not passed thereafter by the votes of four-fifths of the members of the Common Council, it shall be void and of no further effect, and further provided that it is posted after adoption for not less than two (2) weeks in some conspicuous location in the City Hall and recorded in a book provided for that purpose.

INTRODUCED this \_\_\_\_ day of July, 2021.

\_\_\_\_\_  
Shannon Visocky, City Clerk

PASSED this \_\_\_\_\_ day of July, 2021.

\_\_\_\_\_  
Shannon Visocky, City Clerk

APPROVED this \_\_\_\_\_ day of July, 2021.

\_\_\_\_\_  
Dr. Mona Becker, Mayor

Approved as to form and legal sufficiency  
this \_\_\_\_\_ day of July, 2021.

\_\_\_\_\_  
Elissa D. Levan, City Attorney

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