

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND

Legislative Session _____ 1990 _____

Bill No. _____ CB-35-1990 _____

Chapter No. _____

Proposed and Presented by _____ Council Member Mills _____

Introduced by _____

Co-Sponsors _____

Date of Introduction _____

BILL

AN ACT concerning

Plastic Food Containers

FOR the purpose of prohibiting the sale of food by drive-in and fast food restaurants in plastic containers which are not biodegradable, returnable or separated at the point of sale for recycling.

BY adding:

SUBTITLE 21. REFUSE.

Section 21-149.1,

The Prince George's County Code

(1987 Edition, 1988 Supplement, as amended by CB-58-1989).

BY repealing and reenacting with amendments:

SUBTITLE 21. REFUSE.

Section 21-152,
The Prince George's County Code
(1987 Edition, 1988 Supplement, as
amended by CB-58-1989).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that new Section 21-149.1 be and the same is hereby added to the Prince George's County Code to read as follows:

SUBTITLE 21. REFUSE.

DIVISION 4. SOLID WASTE RECYCLING.

Subdivision 1. County Program.

Sec. 21-149.1. Plastic Food and Beverage Containers.

It shall be unlawful for any drive-in restaurant or fast-food restaurant, as defined in Subtitle 27 of this Code, to sell or dispense food or beverages that is placed, wrapped or packaged at any time at or before the time or point of sale in or on plastic containers or in or on plastic foam containers unless such containers are degradable, returnable or are separated at the point of sale for recycling. A drive-in restaurant or fast-food restaurant which provides on-site recycling receptacles and recycles at least fifty percent (50%) of plastic or plastic foam food or beverage containers used by the restaurant shall be deemed to have complied with the provision of this section requiring separation of such containers at the point of sale for recycling.

SECTION 2. BE IT FURTHER ENACTED that Section 21-152 of the Prince George's County Code be and the same is hereby repealed and

reenacted with the following amendments:

SUBTITLE 21. REFUSE.

DIVISION 4. SOLID WASTE RECYCLING.

Subdivision 4. Administrative Provisions.

Sec. 21-152. Penalties.

(a) Any person who violates Section 21-147, [or] Section 21-149 or Section 21-149.1 of this Code is deemed to have committed a civil violation and shall pay to the County a civil monetary fine as prescribed in this Section.

(b) Each separate day of violation that remains uncorrected is a distinct civil violation subject to an additional citation and fine.

(c) The civil monetary fine for each civil violation of Section 21-147, [or] Section 21-149 or Section 21-149.1 shall be One Hundred Dollars (\$100.00) except as provided in Subsection (d) of this Section.

(d) For a repeated civil violation the following fines shall apply:

2nd violation - \$500.00

3rd violation - \$750.00

Each violation in excess of three - \$1,000.00

(e) In addition to and not in lieu of any other penalties prescribed in this Section, any person who violates Section 21-147, [or] Section 21-149 or Section 21-149.1 of this Code is guilty of a misdemeanor and, upon conviction thereof, shall be subject to a fine not to exceed One Thousand Dollars (\$1,000.00), or imprisonment not

to exceed six (6) months, or both.

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect on July 1, 1990.

Adopted this _____ day of _____, 1990.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Jo Ann T. Bell
Chairman

ATTEST:

Jean M. Schmuhl, CMC
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Parris N. Glendening
County Executive

KEY:

Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.