

TOWN OF BRISTOL, RI CODE OF ORDINANCES - 1998 (10105)
SUPPLEMENT NO. 40

ORDINANCE NO. 2018-02 – ADOPTED 2-28-18

Notice is hereby given that at the regular meeting of the Bristol Town Council held on Wednesday evening, February 28, 2018, the following ordinance was adopted:

AN ORDINANCE IN AMENDMENT TO
CHAPTER 24 OF THE BRISTOL TOWN CODE

IT IS HEREBY ORDAINED by the Town Council of Bristol, Rhode Island, that Chapter 24 of the ordinances of the Town of Bristol be amended as follows:

CHAPTER 24 - SOLID WASTE MANAGEMENT

ARTICLE IV. - MANDATORY RECYCLING

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Secs. 24-121—24-130. - Reserved.

ARTICLE V. - PLASTIC BAGS

Sec. 24-131. - Purpose.

The purpose of this article is to improve the environment in Bristol and the health, safety, and welfare of its residents by reducing the number of plastic and paper bags being used and by encouraging the use of reusable carryout bags and banning the use of plastic bags for retail checkout of goods. Retail establishments are encouraged to make reusable carryout bags available for sale.

Sec. 24-132. - Definitions.

As used in this article, the following terms shall have the meanings indicated:

Carryout bag means a bag used by the customer at the point of sale for the purpose of removing products purchased from retail establishment. "Carryout bag" does not include plastic barrier bags, double-opening plastic bags, or plastic bags measuring larger than 28 inches by 36 inches.

Double-opening plastic bag means any thin plastic bag with a double opening (top and bottom) to protect clothing or other items for transport.

Paper bag means a paper bag that is fully recyclable overall and contains a minimum of 40% post-consumer recycled content and contains no old growth fiber.

Plastic bag means a bag where any portion of the bag is made of plastic, including but not limited to those called "biodegradable," "compostable" or "oxo-biodegradable."

Plastic barrier bag means any thin plastic bag with a single opening used to:

- (a) Transport fruit, vegetables, nuts, grains, small hardware items, or other items selected by customers to the point of sale;
- (b) Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;
- (c) Contain or wrap flowers, potted plants, or other items where damage to a good or contamination of other goods placed together in the same bag may be a problem; or

(d) Contain unwrapped prepared foods or bakery goods.

Recyclable plastic means plastic that meets the current Rhode Island Resource Recovery Corporation's standards.

Retail sales establishment means any enterprise whereby the sale or transfer to a customer of goods in exchange for payment occurring in retail stores, farmers' markets, flea markets, and restaurants. This does not include sales of goods at yard sales, tag sales, other sales by residents at their homes, and sales by nonprofit organizations.

Reusable carryout bag means a bag, with handles which are stitched and not heat-fused, that is specifically designed and manufactured for multiple reuse. The bag must be made of washable cloth, other durable woven or nonwoven fabric, or durable plastic film that is recyclable plastic with a minimum thickness of four mils.

Sec. 24-133. - Regulations.

- (a) Other than reusable carryout bags as provided in this article, no retail sales establishment shall make available any plastic carryout bags (either complementary or for a fee).
- (b) All retail establishments that provide plastic barrier bags and/or double opening bags must offer a recycling opportunity on site and must recycle any plastic collected in accordance with current laws.
- (c) Nothing in this section shall preclude persons engaged in retail sales from making reusable carryout bags or paper bags available for sale to customers.

Sec. 24-134. - Enforcement; violations and penalties.

- (a) This article shall be implemented, administered and enforced by the Bristol town police department or any other town department or division designated by the town administrator.
- (b) Upon being made aware of a potential violation of this article, the Bristol town police department or other designee shall investigate and determine whether a violation has occurred.
- (c) If the investigation confirms that a violation has occurred, then the Bristol town police department or other designee shall give written notice to the owner of the property, the owner's agent, or the person performing such violation that the violation is occurring and must stop.
- (d) Such notice shall be in writing and may be served upon a person to whom it is directed, either by delivering it personally to him or her or by posting same upon a conspicuous portion of the property and sending a copy of same by certified mail to the person to whom the notice is directed.
- (e) The owner, the owner's agent, or the person performing the violation is responsible for confirming, in writing, that the violation has ceased to the Bristol town police department or other designee within 14 days of receipt of the notice.
- (f) A second violation after the 14-day response period of the first violation and within one year of the receipt of the confirmation that the violation had ceased shall incur a penalty of \$150.
- (g) A third violation within one year of the second and any subsequent violations shall incur a penalty of \$300.
- (h) Each occurrence of a violation after the first, and each day that such violation continues, shall constitute a separate violation and may be cited as such.

Sec. 24-135. - Appeals.

Any violation charged under this article may be appealed, in writing, to the town administrator within 14 days of receipt of a written notice of violation. The town administrator may waive the individual violation or the requirements of this article on showing of good cause or undue hardship.

Sec. 24-136. - Effective Date.

The provisions of this ordinance shall become effective January 1, 2019.

The provisions of this ordinance shall automatically expire on December 31, 2020, if not renewed by act of the town council.

Secs. 24-137—24-140. - Reserved.

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This ordinance shall take effect upon its passage.