

2nd reading

ORDINANCE No. 2021-22

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

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CHAPTER 24 – SOLID WASTE MANAGEMENT

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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 percent 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:

- (1) Transport fruit, vegetables, nuts, grains, small hardware items, or other items selected by customers to the point of sale;
- (2) Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;

TOWN COUNCIL

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MEETING

- (3) 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
- (4) 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 complimentary 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 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 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 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 \$150.00.
- (g) A third violation within one year of the second and any subsequent violations shall incur a penalty of \$300.00.

(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.

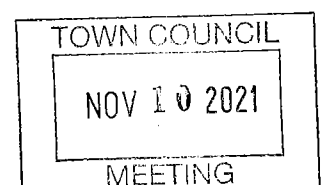
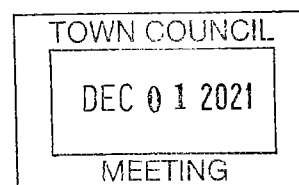
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This ordinance shall take effect upon passage.

- C4.** Ordinance # 2021-22, Chapter 24, Solid Waste Management, Article V, Plastic Bags, Section 24-131 et seq. (renewal of the plastic bag ordinance), **1st reading**

Sweeney/Teixeira - Voted
unanimously to consider this
action to constitute the first
reading of Ordinance #2021-22.
Advertise in the local newspaper

Prior to the vote taken, Solicitor Ursillo noted that the plastic bag ordinance was originally introduced in 2018 with a provision of a sunset clause. In December of 2020 the council voted to eliminate the sunset clause and referred the matter to the solicitor to draft an ordinance for council consideration. He explained that his office neglected to draft an ordinance amendment to eliminate the sunset clause prior to the end of 2020. He explained that there was no need to make the ordinance retroactive as the ban on plastic bags was suspended during the Covid Executive orders.





Ursillo, Teitz & Ritch, Ltd.

Counsellors At Law

C Item C4.

2 Williams Street
(at South Main Street)
Providence, Rhode Island 02903-2918

Michael A. Ursillo *
Andrew M. Teitz, AICP *†
Scott A. Ritch *†

Troy L. Costa †
Amy H. Goins *†
Peter F. Skwirz *†
Admitted in RI*, MA†

Tel (401) 331-2222
Fax (401) 751-5257
mikeursillo@utrllaw.com

MEMORANDUM

TO: The Honorable Bristol Town Council

FROM: Michael A. Ursillo, Town Solicitor

DATE: November 3, 2021

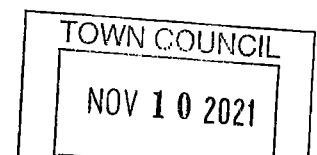
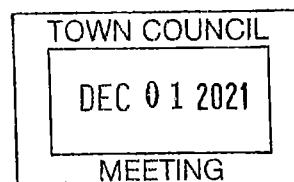
SUBJECT: Plastic Bag Ordinance

Attached please find a renewal of the plastic bag ordinance which was adopted by the Council in 2018 with an effective date of January 1, 2019. As you recall, there was a sunset provision for December 31, 2020. I neglected to draft an ordinance amendment eliminating the sunset clause prior to the end of 2020. Consequently, the ordinance attached should be introduced at the November 10th meeting for first reading with a second reading at the December 1st meeting. There is no need to make this ordinance retroactive because the ban on plastic bags was suspended during Executive Orders of the Governor in connection with the COVID emergency.

Please feel free to contact me directly with any questions.

MAU/gb
Attachment

Cc: The Honorable Steven Contente, Town Administrator
The Honorable Melissa Cordeiro, Town Clerk



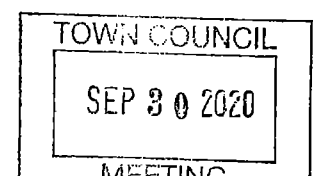
Town Council Meeting – Wednesday, September 30, 2020

12. *Anthony Morettini, Chairman, Conservation Commission re Plastic Bag Sunset Provision Amendment*

a. *Town Code Chapter 24 Solid Waste Management, Article V Plastic Bags, Section 24-136 Effective Date*

Sweeney/Ley – Voted unanimously to refer this matter to the Town Solicitor so that he may draft an ordinance for Council consideration.

Prior to the vote taken, Councilman Sweeney noted that plastic bags present a “health issue” and that sixty (60) Massachusetts communities have banned plastic bags in addition to several other Rhode Island communities.



LEGAL NOTICE

TOWN OF BRISTOL PROPOSED ORDINANCE NO. 2021-22

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This ordinance shall take effect upon passage.

The Town Council will be in session in the Town Hall, Council Chambers, on December 1, 2021. If remonstrance in the meantime, a petition bearing the valid signatures of at least twenty (20) qualified voters must be filed with the Town Clerk requesting a Public Hearing, such hearing must be held before final action may be taken on said ordinance.
By Order of the Town Council