

1 **Adopted by the Jamestown Town Council**
2 **At a Public Hearing on**
3 **September 18, 2017**

4
5 **Attest:** _____
6 **Cheryl A. Fernstrom, CMC**
7 **Town Clerk**
8

9
10 **PUBLIC HEARING NOTICE**
11 **TOWN OF JAMESTOWN**
12

13
14 Notice is hereby given that the Town Council of the Town of Jamestown will conduct a
15 public hearing on **September 18, 2017 at 7:00 p.m.** at the Jamestown Town Hall, 93
16 Narragansett Avenue on the following proposed amendment to the Code of Ordinances
17 regarding **Chapter 22, Environment**. Opportunity shall be given to all persons interested
18 to be heard upon the matter at the public hearing. The following proposed ordinance
19 amendment is under consideration and may be adopted and/or altered or amended prior to
20 the close of the public hearing without further advertising, as a result of further study or
21 because of the views expressed at the public hearing. Any alteration or amendment must be
22 presented for comment in the course of the public hearing. The proposed amendment is
23 available for review and/or purchase at the Town Clerk's Office between the hours of 8:30
24 a.m. and 4:30 p.m., Monday through Friday, excluding Holidays and at
25 www.Jamestownri.gov.

26
27 **Section 1.** The Jamestown Code Of Ordinances, **Chapter 22, Environment**, as the
28 same may have been heretofore amended, is hereby amended by changing the text of
29 the Chapter, as follows:

30
31 NOTE: words set as ~~striketrough~~ are to be deleted from the ordinance;
32 words underlined are to be added to the ordinance.
33

34 See Exhibit A, attached hereto and incorporated herein by reference.
35

36 **Section 2.** The Town Clerk is hereby authorized to cause said changes to be made to
37 Chapter 10 of the Town of Jamestown's Code of Ordinances.
38

39 **Section 3.** This Ordinance shall take effect upon its passage.
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41
42 Ad Date(s): September 7, 2017
43 Publication Source: Jamestown Press
44 Hearing Date: September, 18, 2017
45 Action: Adopted
46 Certified: Cheryl A. Fernstrom, CMC, Town Clerk

1 EXHIBIT A

2
3 **ARTICLE VII. PLASTIC BAG BAN**

4
5
6 **Sec. 22-350. Legislative Findings And Intent.**

7
8 The Town Council of the Town of Jamestown has the authority under Article 13 of
9 the Rhode Island Constitution and the Jamestown Town Charter to regulate issues of solid
10 waste, litter and pollution as a local concern.

11
12 The production, use and disposal of plastic checkout bags, which are commonly not
13 recycled, has been shown to have significant detrimental impacts on the environment,
14 including but not limited to contributing to pollution of the terrestrial and coastal
15 environment, clogging storm water drainage systems, and contributing to the injury and
16 death of terrestrial and marine life through ingestion and entanglement.

17
18 The manufacture, transport and recycling of plastic checkout bags requires
19 substantial energy consumption and contributes to greenhouse gases.

20
21 Plastic checkout bags create a burden to solid waste collection and recycling
22 facilities.

23
24 Prohibiting the use of plastic checkout bags is necessary to protect the environment
25 and the public health, safety, and welfare of all residents and visitors.

26
27 **Sec. 22-351. Purpose.**

28
29 The purpose of the article is to improve the environment in and around Town of
30 Jamestown, Rhode Island and the health, safety, and welfare of its residents by reducing
31 the number of plastic and paper bags being used, encouraging the use and sale of reusable
32 checkout bags and banning the use of plastic bags for retail checkout of goods.

33
34 **Sec. 22-352. Definitions.**

35
36 As used in the article, the following terms shall have the meanings indicated:

37
38 CARRYOUT BAG means a bag provided by a business establishment to a customer,
39 typically at the point of sale, for the purpose of transporting purchases.

40
41 PLASTIC CARRYOUT BAG means any plastic carry-out bag that is provided by a
42 business establishment to a customer, typically at the point of sale, for the purpose of
43 transporting purchases. "Plastic Carryout Bag" does not include plastic barrier bags or
44 double-opening plastic bags, as defined herein, or plastic bags measuring larger than 28
45 inches by 36 inches, or plastic bags four (4) mils or more in thickness.

1 DOUBLE-OPENING PLASTIC BAGS means any thin plastic bag with a double opening
2 (top and bottom) to protect clothing or other items for transport.

3
4 PLASTIC BARRIER BAG means any thin plastic bag with a single opening used to:

5
6 Transport fruit, vegetables, nuts, grains, small hardware items, or other items
7 selected by customers to the point of sale;

8
9 Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;

10
11 Contain or wrap flowers, potted plants, or other items where damage to a good or
12 contamination of other goods placed together in the same bag may be a problem; or

13
14 Contain unwrapped prepared foods or bakery goods.

15
16 RECYCLABLE PAPER BAG means a paper bag that is fully recyclable overall and
17 contains a minimum of 40% post-consumer recycled content and contains no old growth
18 fiber. The bag should display the words "Reusable" and "Recyclable" ~~or the universal~~
19 recycling logo on the outside of the bag in green lettering at least one inch in size or other
20 marking in compliance with the Federal Trade Commission (FTC) Part 260 *Guides for the*
21 *Use of Environmental Marketing Claims or as amended.*

22
23 BUSINESS ESTABLISHMENT means any commercial enterprise that provides carryout
24 bags to its customers, including sole proprietorships, joint ventures, partnerships,
25 corporations, or any other legal entity, and includes all employees of the business and any
26 independent contractors associated with the business. "Business Establishment" does not
27 include sales of goods at yard sales, tag sales, other sales by residents at their homes, and
28 sales by nonprofit organizations.

29
30 REUSABLE BAG means a bag with handles that is specifically designed and
31 manufactured for multiple reuse and is made primarily of cloth or other nonwoven textile
32 or is constructed of multiple layers for insulation.

33
34 **Sec. 22-353. Prohibited Acts.**

35
36 No business establishment shall provide or make available any plastic carryout bag
37 at the point of sale.

38
39 All business establishments that provide plastic barrier bags or double opening bags
40 shall offer a recycling opportunity onsite for the recycling of any plastic bags or clean
41 plastic bag film as defined by the Rhode Island Resource Recovery Corporation
42 RESTORE program.

43
44 Nothing in this section shall preclude business establishments from making
45 reusable bags or recyclable paper bags available for sale to customers, by sale or otherwise.

1 **Sec. 22-354. Exemptions.**

2
3 This ordinance does not apply to:

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5 Laundry dry cleaning bags, door-hanger bags, newspaper bags, or packages of
6 multiple bags intended for use as garbage, pet waste, or yard waste;

7
8 Bags provided by pharmacists or veterinarians to contain prescription drugs or
9 other medical necessities, provided that the bags are recyclable within the State's
10 recycling program; and

11
12 Plastic barrier bags, double opening plastic bags and bags used by a consumer
13 inside a business establishment to: (1) Contain bulk items, such as produce, nuts,
14 grains, candy, or small hardware items; (2) Contain or wrap frozen foods, meat, or
15 fish, whether or not prepackaged; (3) Contain or wrap flowers, potted plants or
16 other items to prevent moisture damage to other purchases; (4) Contain unwrapped
17 prepared foods or bakery goods; or (5) bags used by a non-profit corporation or
18 other hunger relief charity to distribute food, grocery products, clothing , or other
19 household items.

20
21 **Sec. 22-355. Enforcement; Violations And Penalties.**

22
23 This ordinance shall be enforced by the Jamestown Police Department, or any other
24 Town Department authorized by statute, ordinance or regulation. Any person who violates
25 any of the provisions of this ordinance shall be subject to the following penalties:

26
27 The Jamestown Police Department, or other duly authorized enforcement officer,
28 shall serve notice upon any business owner alleged to have violated the provisions of this
29 article by certified letter stating in specificity which provision(s) that the business is in
30 violation of and that such violation(s) must cease within 14 days after the service of said
31 notice. Each day following the notice shall constitute a separate offense and a fine of \$150
32 per day shall be imposed.

33
34 **Sec. 22-356. Hardship Variance.**

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36 The Town Administrator may grant a variance from the requirements of this article
37 only after determining that:

38
39 Application of this article would cause undue hardship based upon unique
40 circumstances; or,

41
42 Application of this article would deprive a person or business of a legally protected
43 right.

44
45 The requested variance shall be submitted on the towns prescribed forms.

1 Any variance granted under this section must be the minimum variance necessary
2 to address the hardship.

3
4 The Administrator shall prepare a written report of findings to support the grant or
5 denial of the variance and copy the decision to the Town Clerk and Town Council.

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7 **Sec. 22-357. Effective Date.**

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9 This ordinance shall become effective ~~upon passage~~ on April 22, 2018.

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11 **Sec. 22-358 through 22-385. Reserved.**