

Chapter 8.32. - HEALTH AND SAFETY

8.32.010. - Legislative findings and intent.

- A. The city council has the authority under Article 13 of the Rhode Island Constitution and the ordinances of the City of Newport to regulate issues of solid waste, litter and pollution as a local concern.
- B. The production, use and disposal of single-use plastic carryout bags, which are commonly not recycled, has been shown to have significant detrimental impacts on the environment, including but not limited to contributing to pollution of the terrestrial and coastal environment, clogging of storm water drainage systems, and contributing to the injury and death of terrestrial and marine life through ingestion and entanglement.
- C. The manufacture, transport and recycling of single-use plastic carryout bags requires substantial energy consumption and contributes to greenhouse gases.
- D. Single-use plastic carryout bags create a burden to solid waste collection and recycling facilities.
- E. Prohibiting the use of single-use plastic carryout bags is necessary to protect the environment and the public health, safety and welfare of all residents and visitors.

(Ord. No. 2017-08, § 1, 3-8-2017)

8.32.020. - Purpose.

The purpose of this chapter is to improve the overall environment in the City of Newport for the health, safety, and welfare of its residents and for the protection of our wildlife and coastal ecosystems by:

1. Encouraging the use of reusable carryout bags and banning the use of single-use plastic carryout bags,
2. Maintaining the ability to recycle single-use plastic carryout bags, and
3. Reducing the number of single-use plastic carryout bags.

Business establishments are encouraged to make reusable carryout bags available for sale.

(Ord. No. 2017-08, § 1, 3-8-2017)

8.32.030. - Definitions.

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

"Business establishment." Any commercial enterprise, including sole proprietorships, joint ventures, partnerships, corporations, or any other legal entity, and includes all employees of the business and any independent contractors associated with the business. "Business establishment" does not include the sale of goods at yard sales, tag sales and other sales by residents at their homes.

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

"Plastic bag." 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." Any thin plastic bag with a single opening used to:

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

- Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or not;
- 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;
- Contain unwrapped prepared foods or bakery goods; or
- Provide protection for newspapers and other printed material delivered to consumers.

"Reusable carryout bag." A bag, that is specifically designed and manufactured for multiple reuse. Any straps must be stitched and not heat fused. The bag must be made of washable cloth, other durable woven or nonwoven fabric, or durable plastic with a minimum thickness of four mils.

"Single-use plastic carryout bag." A single-use plastic bag used by the customer at the point of sale for the purpose of removing products purchased from a business establishment. Single-use plastic carryout bag shall include any plastic bag except plastic barrier bags, double-opening plastic bags, plastic bags measuring larger than twenty-eight (28) inches by thirty-six (36) inches, or plastic bags four mils or more in thickness.

(Ord. No. 2017-08, § 1, 3-8-2017)

8.32.040. - Regulations.

No business establishment shall make available any single-use plastic carryout bags (either complementary or for a fee) for any sales transaction or other use to members of the public.

- Single-use plastic carryout bag does not include plastic barrier bags, double-opening plastic bags, plastic bags measuring larger than twenty-eight (28) inches by thirty-six (36) inches, or plastic bags four mils or more in thickness.
- All business establishments that provide plastic produce, product, or double-opening bags must offer a recycling opportunity on site and must recycle any plastic collected in accordance with current laws.
- Business establishments may make reusable carryout bags available for sale to customers.

(Ord. No. 2017-08, § 1, 3-8-2017)

8.32.050. - Enforcement; violations and penalties.

- A. Upon a violation of the provisions of this chapter, the business establishment shall be provided written notice ordering cessation of the violation. Notice shall be given to the business establishment owner or manager or may be served on the business establishment's agent for service.
- B. A violation shall be subject to a fine of up to one thousand dollars (\$1,000.00).
- C. For any violation of the provisions of this chapter, the city council may revoke any municipally issued license granted to the business establishment.

(Ord. No. 2017-08, § 1, 3-8-2017)

8.32.060. - Implementation.

This chapter shall be effective upon passage. Enforcement of violations shall be stayed until November 1, 2017.

(Ord. No. 2017-08, § 1, 3-8-2017)