

Town of New Shoreham

Revised DRAFT

Reusable Carryout Bag Initiative

Findings.

- A. 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 the pollution of the terrestrial, near shore marine, and coastal environment, clogging of storm water drainage systems and injury and death of terrestrial and marine life through ingestion and entanglement.
- B. The manufacture, transport and recycling of single use plastic carryout bags requires substantial energy consumption and contributes to greenhouse gases, one of the major causes of climate change.
- C. Single use plastic carryout bags create a burden to solid waste recycling facilities.
- D. Prohibiting the use of single use plastic carryout bags is necessary to protect the environment of Block Island and the public health, safety and welfare of all residents and visitors.
- E. Plastic was the number one trash found on Block Island beaches as determined by The Ocean Conservancy's Marine Debris Monitoring Study (1992-2007).
- F. Plastics pollution puts at risk the health of the local economy of Block Island, as it is fundamentally dependent upon the health and beauty of the island's natural resources.
- G. Similar ordinances have been passed in the City of Newport, Town of Barrington and throughout the United States.

Purpose.

The purpose of this ordinance is to protect the wildlife and coastal ecosystems of Block Island, the enjoyment of nature, and the health, safety, and welfare of Block Island's residents and visitors by:

- 1.) Encouraging the use of reusable carryout bags and banning the use of single use plastic carryout bags for retail checkout of goods
- 2.) Reducing the number of single use carryout bags that enter our environment

Definitions.

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

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

Paper Bag. 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. 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: (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; (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. Plastic that meets the current Rhode Island Resource Recovery Corporation's standards.

Business Establishment. Any commercial enterprise, including sole proprietorship, joint ventures, partnerships, corporations, or any other legal entity, and includes all employees of the business and any independent contractors associated with the business. For the purposes of this ordinance, business establishment shall also include farmers markets. Business establishment does not include sales of goods at yard sales, tag sales, other sales by residents at their homes.

Reusable Carryout Bag. 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.

Regulations.

- A. No business establishment shall make available any plastic carryout bags, either complimentary or for a fee, for any sales transaction or other use to members of the public.
- B. All business establishments that provide plastic barrier bags or double-opening plastic bags must offer a recycling opportunity on site and must recycle any plastic collected in accordance with current laws.
- C. Business establishments may make reusable carryout bags or paper bags available for sale to customers.

Enforcement; violations and penalties.

- A. Upon violation of the provisions of this ordinance, 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. Any Business Establishment who shall violate any provision of this Chapter shall be liable for a fine of not more than \$300.
- C. 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.
- D. For any violation of the provisions of this ordinance, the Town Council may revoke any municipally issued license granted to the Business Establishment.

Appeals.

Any violation charged under this article may be appealed, in writing, to the Town Manager within 14 days of receipt of a written notice of violation.

Implementation.

This ordinance shall take effect on January 1, 2018.