

ORDINANCE NO. 2012-7

**TOWN OF BARRINGTON
AN ORDINANCE REGARDING
Reusable Checkout Bag Initiative**

WHEREAS, The Conservation Commission of the Town of Barrington has recommended a ban on the distribution of plastic checkout bags by retailers in order to promote the health, safety, welfare, and cleanliness of the Town of Barrington and its citizens;

WHEREAS, The Town Council has conducted an extensive public work session at which the positions and concerns of many interested parties, both for and against a plastic bag ban, were heard and considered;

WHEREAS, The Town Council has determined that plastic checkout bags add to a significant solid waste, litter, and pollution problem in the local community; and

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

THEREFORE, IT IS HEREBY ORDAINED by the Town Council of Barrington, Rhode Island, that the Code of the Town of Barrington be amended by adding the following Article to Chapter 161.

Chapter 161

SOLID WASTE

Article III

Reusable Checkout Bag Initiative

§161-6. Purpose:

The purpose of this ordinance is to improve the environment in Barrington and the health, safety, and welfare of its resident by encouraging the use of reusable checkout bags and banning the use of single-use plastic bags for retail checkout of goods. Retail establishments are encouraged to make reusable bags available for sale.

§161-7. Definitions.

1. *Retail sales establishment*: 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 home, and sales by non-profit organizations.
2. *Checkout bag*: any carryout bag that is provided to the customer at the point of sale. Checkout bag does not include plastic barrier bags, double opening plastic bags, or plastic bags measuring larger than 28"x36".
3. *Plastic barrier bag*: 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) to 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.
4. *Double opening plastic bags*: any thin plastic bag with a double opening (top and bottom) to protect clothing or other items for transport.
5. *Recyclable 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. The bag should display the words "Reusable" and "Recyclable" or the universal recycling logo on the outside of the bag in green lettering at least 1-inch in size.
6. *Reusable bag*: means a bag with handles that is specifically designed and manufactured for multiple reuse and is made of cloth or other fabric or is made of durable plastic that is at least 2.25 mils thick.

§161-8. Restrictions on plastic checkout bags

1. No retail sales establishment shall make available any plastic checkout bags at the point-of-sale, not including plastic barrier bags or double opening plastic bags.
2. Nothing in this section shall preclude persons engaged in retail sales from making reusable bags or recyclable paper bags available for sale to customers.

§161-9. Enforcement

1. This chapter shall be implemented, administered and enforced by the Barrington Town Police Department or any other Town department or division designated by the Town Manager.
2. Upon being made aware of a potential violation of this chapter, Barrington Town Police Department or other designee shall investigate and determine whether a violation has occurred.

3. If the investigation confirms that a violation has occurred then the Barrington 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.
4. 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 the notice is directed.
5. 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 Barrington Town Police Department or other designee within fourteen (14) days of receipt of the notice.
6. A second violation after the fourteen (14) day response period of the first violation and within one (1) year of the receipt of the confirmation that the violation had ceased shall incur a penalty of \$150.
7. A third violation within one (1) year of the second and any subsequent violations shall incur a penalty of \$300.
8. 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.

§161-10. Appeal.

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

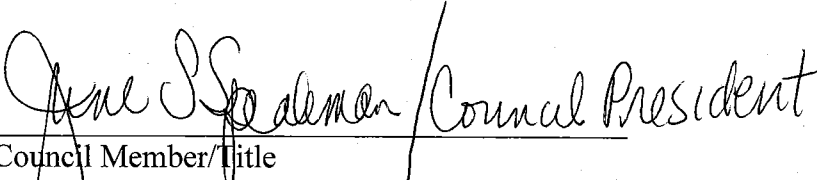
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This ordinance shall take effect on January 1, 2013.

Filed: AUG 31 2012

Introduced: _____

Adopted: _____



Council Member/Title