

STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS

CITY OF EAST PROVIDENCE

CHAPTER 736

AN ORDINANCE IN AMENDMENT OF CHAPTER 7 OF THE
REVISED ORDINANCES OF THE CITY OF EAST PROVIDENCE,
RHODE ISLAND, 1998, AS AMENDED, ENTITLED
"HEALTH AND SANITATION"

THE COUNCIL OF THE CITY OF EAST PROVIDENCE HEREBY ORDAINS:

SECTION I. Chapter 7 of the Revised Ordinances of the City of East Providence, Rhode Island 1998, as amended, entitled "Health and Sanitation" is amended by adding thereto the following:

Article IV. Reusable Carryout Bag Initiative

Sec. 7-76. Purpose.

The purpose of this section is to reduce the number of single-use plastic checkout bags used by retail establishments in the City, curb litter in the streets, protect marine environment, waterways, reduce greenhouse gas emissions, and solid waste and by encouraging the use of reusable carryout bags by retail establishments, banning the use of plastic bags for retail checkout of goods, and to improve the environment in East Providence and the health, safety, and welfare of its residents. Retail establishments are encouraged to make reusable carryout bags available for sale. Plastic bags contribute to a significant burden on the City's solid waste disposal and single stream recycling systems.

Sec. 7-77. Definitions.

As used in this section, 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 establishments. "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% 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:

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

Recyclable plastic means plastic that meets the current Rhode Island Resource Recovery Corporation's standards.

Retail sales establishment means any enterprise, person, corporation, partnership, business venture, or vendor that sells or provides merchandise, goods, or materials directly to a customer, whether for or not for profit, including but not limited to retail stores, farmers' markets, fleamarkets, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores. This does not include sales of goods at yard sales, tag sales, or other sales by residents at their homes.

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. 7-78. Regulations.

- a. Other than reusable carryout bags as provided in this section, no retail sales establishment shall make available any plastic carryout bags (either complementary or for a fee).
- b. All retail 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.
- 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. 7-79. Enforcement; violations and penalties.

- a. This section shall be implemented, administered and enforced by the East Providence Police Department or any other City department or division designated by the Mayor.
- b. Upon being made aware of a potential violation of this section, the City of East Providence 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 East Providence 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 East Providence Police Department or other designee within fourteen (14) days of receipt of the notice.
- f. A second violation after the fourteen (14) day response period of the first violation and within one year of 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.

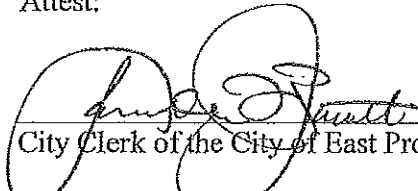
Sec. 7-80. Appeals.

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

SECTION II. This ordinance shall take effect six (6) months after second passage and all ordinances or parts of ordinances inconsistent herewith are hereby repealed.

Given first passage April 14, 2019 and referred to May 7, 2019 at 7:00 p.m. for a hearing and consideration of final passage and adopted May 7, 2019

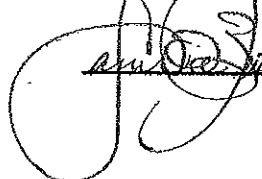
Attest:


 City Clerk of the City of East Providence, Rhode Island
 Requested by: Councilwoman Sousa


IN CITY COUNCIL

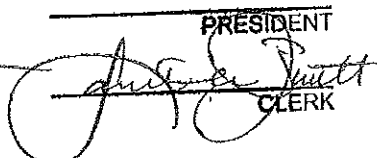
IN CITY COUNCIL

**FIRST READING
READ AND PASSED**


 CLERK

**FINAL READING
READ AND PASSED**

APPROVED

 MAYOR
 DATE: 5-13-2019

PRESIDENT

 CLERK