

THE CITY OF CRANSTON

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ORDINANCE OF THE CITY COUNCIL

IN AMENDMENT OF TITLE 8 OF THE CODE OF THE CITY OF CRANSTON,
2005, ENTITLED "HEALTH AND SAFETY"
(Plastic Bag Reduction)

No

**As amended in Committee 3/14/2019*

Passed:

Michael J Farina, Council President

Approved:

Allan W. Fung, Mayor

Legislative findings and intent:

- (a) The City Council has the authority to regulate issues of solid waste, litter, and pollution as a local concern.
- (b) The production, use, and disposal of 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 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 plastic carryout bags requires substantial energy consumption and contributes to greenhouse gases.
- (d) Plastic carryout bags create a burden to solid waste collection and recycling facilities.
- (e) Prohibiting the use of plastic carryout bags is necessary to protect the environment and the public health, safety, and welfare of all residents and visitors.

Purpose:

45 The purpose of this ordinance is to protect the wildlife and coastal ecosystems, the
 46 enjoyment of nature, and the health, safety, and welfare of Cranston’s residents and
 47 visitors by:

48

- 49 1) Banning the use of plastic carryout bags for retail checkout of goods;
- 50 2) Encouraging the use of reusable bags; and
- 51 3) Reducing the number of plastic carryout bags that enter our environment.

52

53 *It is ordained by the City Council of the City of Cranston as follows:*

54

55 **Section 1.** Title 8.12 “Garbage Collection and Disposal” is hereby amended by
 56 adding the following new section:

57

58 **8.12.140 Plastic Reduction**

59

60 **Definitions:**

61

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

63

64 (a) Business establishment – Any commercial enterprise that provides plastic carryout
 65 bags to its customers, including sole proprietorships, joint ventures, partnerships,
 66 corporations, or any other legal entity, and includes all employees of the business and any
 67 independent contractors associated with the business. For the purposes of the ordinance,
 68 “business establishment” shall also include farmers’ markets. “Business establishment”
 69 does not include sales of goods at yard sales, tag sales, other sales by residents at their
 70 homes, and sales by nonprofit organizations.

71

72 (b) Double-opening plastic bag – Any thin plastic bag with a double opening (top and
 73 bottom) to protect clothing or other items for transport, including but not limited to
 74 laundry dry cleaning bags.

75

76 (c) Plastic barrier bag – Any thin plastic bag with a single opening used to:

77

78 (1) Transport fruit, vegetables, nuts, grains, small hardware items, or other items
 79 selected by customers at the point of sale;

80 (2) Contain or wrap fresh or frozen foods, meat, or fish, whether prepackaged or
 81 not;

82 (3) Contain or wrap flowers, potted plants, or other items where damage to a good
 83 or contamination of other goods placed together in the same bag may be a problem;

84 (4) Contain unwrapped prepared foods or bakery goods;

85 (5) Contain materials to be hung on an exterior door; or

86 (6) Contain a newspaper or other printed material for delivery.

87

88 (d) Plastic carryout bag – Any plastic bag that is provided by a business establishment to
 89 a customer, typically at the point of sale, for the purpose of transporting purchases, not
 90 including plastic barrier bags, double-opening plastic bags, or reusable bags as defined
 91 herein, or plastic bags measuring larger than 28 inches by 36 inches.

92

93 (e) Recyclable paper bag – A paper bag that is fully recyclable overall and contains a
 94 minimum of 40 percent post-consumer recycled content and contains no old growth fiber.
 95 The bag should display the words “Reusable” and “Recyclable” or the universal recycling
 96 logo on the outside of the bag.

97

98 (f) Reusable bag – A bag, with handles that are stitched and not heat-fused, that is
 99 specifically designed and manufactured for multiple reuse and is made primarily of cloth
 100 or other nonwoven textile or durable plastic with a minimum thickness of four mils.

101

102 **Prohibited acts:**

103

104 (a) No business establishment shall provide or make available any plastic carryout bag
 105 (either complimentary or for a fee) to members of the public for any sales transaction or
 106 other use.

107

108 (b) Nothing in this section shall preclude business establishments from making reusable
 109 bags or recyclable paper bags, available to customers, by sale or otherwise.

110

111 **Exemptions:**

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113 The prohibition outlined in this chapter does not apply to:

114

115 (a) Plastic barrier bags and double-opening plastic bags as defined herein;

116

117 (b) Packages of multiple bags intended for use as containers for garbage, pet waste, or
 118 yard waste; and

119

120 (c) Bags provided by pharmacists or veterinarians to contain prescription drugs or other
 121 medical necessities, provided that the bags are recyclable within the state’s recycling
 122 program.

123

124 **Enforcement, violations, and penalties:**

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126 This chapter shall be enforced by any City Department designated by the City of
 127 Cranston. Any person who violates any of the provisions of this chapter shall be subject
 128 to the following penalties:

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130 (a) For a first offense, the business establishment charged with violating the prohibition
131 required by this chapter shall be served with a warning letter delivered via certified and
132 regular mail to the establishment, addressed to the chief executive officer or local
133 manager as may be applicable. The warning letter shall inform the establishment of the
134 alleged violation and the necessity to correct the violation within 28 days of the date of
135 the letter, and shall include a copy of this chapter. Should the alleged violator dispute the
136 violation, the violation shall be heard by the City Council Safety Services and Licenses
137 Committee.

138
139 (b) Should the business establishment not correct the violation outlined in the warning
140 letter or be charged with a second offense after correcting the initial violation, a notice of
141 violation shall be issued and a fine of \$250 shall be assessed and imposed. The notice of
142 violation shall be delivered via certified and regular mail to the establishment, addressed
143 to the chief executive officer or local manager as may be applicable, and shall direct the
144 business establishment to pay the fine assessed by mail or in person within 14 days of the
145 assessment. Should the alleged violator dispute the violation, the violation shall be heard
146 by the City Council Safety Services and Licenses Committee.

147
148 (c) Each additional violation shall result in issuance of subsequent notices of violation,
149 and each day that such violation continues, shall constitute a separate violation and may
150 be cited and fined as such. Should the alleged violator dispute the violation, the violation
151 shall be heard by the City Council Safety Services and Licenses Committee.

152
153 (d) For any business establishment that is subject to multiple notices of violation pursuant
154 to the provisions of this ordinance, the City Council Safety Services and Licenses
155 Committee may call the violator in for show cause.

156
157 **Section 2** : This Ordinance shall take effect upon adoption, provided however, that
158 enforcement shall be stayed until ~~*January 1, 2020.~~ ***July 1, 2020.**

159 Positive Endorsement Negative Endorsement (attach reasons)

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164 _____
City Solicitor Date City Solicitor Date

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167 Sponsored by: Councilmembers Paplauskas and Donegan,
168 Co-Sponsored by Councilmembers Vargas and McAuley

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170 Referred to Ordinance Committee March 14, 2019