

## **Chapter 358**

### **REUSABLE BAGS**

#### **§ 358-1. Purpose.**

It is hereby found and declared that it will be the public policy of the Borough of Bradley Beach to reduce the adverse environment effects of single-use plastic carryout bags and to promote the use of reusable carryout bags in order to reduce litter, harm to wildlife and our waterways, and to protect the health and safety of the general public.

#### **§ 358-2. Definitions.**

The following terms, as used in this chapter, shall have the meanings set forth herein:

**CARRYOUT BAG** — A bag provided by a store at the point of sale for customers to carry their goods out of the store.

**CHAIN** — A business with 10 or more locations in the state or nationally and doing business under the same trade name or under common ownership or control, or as franchised outlets of a parent business.

**OPERATOR** — A person in control of, or having responsibility for, the daily operation of a store, which may include, but need not be limited to, the owner of the store.

**REUSABLE CARRYOUT BAG** — A bag made of cloth or other machine washable fabric, that has handles, a nonwoven polypropylene bag that has handles, or a durable polyester or polypropylene bag that has handles and is at least 2.25 mils thick, and which is specifically designed and manufactured for multiple reuse.

**SINGLE-USE PAPER CARRYOUT BAG** — A single-use carryout bag that is made of paper.

**SINGLE-USE PLASTIC CARRYOUT BAG** — Any carryout bag that is made of plastic and that is not either a single-use paper carryout bag or a reusable carryout bag, except that the term "single-use plastic carryout bag" shall not include the following:

- A. Any nonhandled bag, whether plastic or not, that is intended to separate and prevent an item from damaging or contaminating another item;
- B. Laundry or dry-cleaning bags;
- C. Newspaper bags;
- D. Bags used to contain or wrap ice, frozen foods, meat, fish, or other items, whether prepackaged or not, to prevent or contain moisture;
- E. Bags provided by pharmacists to contain prescription drugs;

- F. Small clear plastic bags of less than four inches in depth that are commonly provided to customers by hardware stores to hold screws and bolts and other small items;
- G. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

STORE — A hardware store, liquor store, drug store, convenience store, supermarket, food service establishment, restaurant, clothing store and other retail establishment of any kind.

**§ 358-3. Use of single-use plastic carryout bags prohibited.**

Effective October 1, 2018, no operator of any store shall provide any single-use plastic carryout bag to any customer for the purpose of enabling a customer to transport products or goods out of the store. Nothing in this section shall be read to preclude operators of stores from providing single-use paper bags to customers for a fee in accordance with § 358-4A, of this chapter or from making reusable bags available for sale to customers. No operator shall preclude customers from using their own reusable carryout bags.

**§ 358-4. Fee for single-use paper bags and reusable carryout bags.**

- A. Effective January 1, 2019, an operator of a store may provide a customer with a single-use paper carryout bag, provided that the operator shall impose and collect a fee of not less than \$0.05, and not more than the actual per-bag cost incurred by the store, for each such single-use paper carryout bag and/or reusable carryout bag that is provided to the customer. **[Amended 9-25-2018 by Ord. No. 2018-22]**
- B. Each operator shall indicate on the sales or other receipt given to the customer the total number of single-use paper carryout bags provided to that customer and the total fee charged pursuant to Subsection A of this section.
- C. Each operator shall retain the entire fee required to be charged pursuant to Subsection A of this section. Any operator shall have the same right in respect to collecting the fee from a customer as if the fee were a part of the sales price of the product sold and payable at the same time.

**§ 358-5. Public awareness campaign.**

Upon the enactment of this chapter, and at least until enforcement of the chapter begins on October 1, 2018, the Mayor and Council, in cooperation with the Environmental Commission, shall take steps to educate the business community and residents of Bradley Beach, along with the public at large, regarding the provisions of this chapter, and the environmental benefits to be derived therefrom, and shall begin encouraging the residents of Bradley Beach and shoppers in its stores to use reusable carryout bags.

**§ 358-6. Violations and penalties.**

Any person found in violation is guilty of a noncriminal infraction punishable by a fine not to exceed the sum of \$100 for a first offense and \$500 for each offense thereafter.

**§ 358-7. Severability.**

If any sentence, section, clause or other portion of this chapter, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this chapter.