

CITY OF GARFIELD

AN ORDINANCE OF THE CITY OF GARFIELD CREATING A NEW CHAPTER 239 OF THE GARFIELD CITY CODE, TO BE ENTITLED "PLASTIC BAG AND STRAW REGULATIONS"

[Adopted 08/13/2019 by Ord. No 2820 ]

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WHEREAS, the Governing Body of Garfield believes it is in the best interest of the City of Garfield to adopt regulations relating to and limiting the use of plastic bags and plastic straws by businesses in the City of Garfield. The regulations are intended as necessary and proper steps by the City to address a significant global problem relating to the sale and use of plastic bag and straws, to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

BE IT ORDAINED by the Mayor and City Council of Garfield, County of Bergen, State of New Jersey, as follows:

SECTION 1. §239 of the City Code of the City of Garfield, entitled "Plastic Bag and Straw Regulations," is hereby added as follows:

**CHAPTER 239. PLASTIC BAG AND STRAW REGULATIONS**

239-1 **DEFINITIONS.** The following words, phrases and terms as used in this chapter are hereby defined for the purpose thereof as follows.

**Business or Store**

For the purposes of this Chapter, any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, food marts, and food service establishments.

**Food Service Establishment**

Any establishment which serves made-to-order food for dine-in, takeout, or delivery.

**Goods and Products**

Things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores.

**Produce Bag or Product Bag**

Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

**Retail**

The sale of goods and products for use and/or consumption.

**Reusable Bag**

A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

**Single-Use, Plastic Carryout Bag**

A bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting goods or products out of the establishment. The term single-use, plastic carryout bag does not include reusable bags, produce bags, product bags, or garment bags.

**Straw**

A disposable tube used to transfer a beverage from a container to the mouth of the person drinking the beverage, including drinking straws and cocktail straws. "Straw" does not include a straw made from non-plastic materials, including paper, pasta, sugar cane, wood, hay/bamboo, plant-based material, compostable and/or reusable, PLA (ASTM and/or BPI Certified) or a straw that is attached to pre-packaged goods, including juice boxes.

**239-2 REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS AND STRAWS.**

- A. No business or store shall provide any single-use, plastic carryout bags to a customer at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store.
- B. No business or store shall provide plastic straws to customers with the service or delivery of any beverage.
- C. Notwithstanding the provisions of subsection B. of this section, upon request, a food service business may provide a single-use plastic straw to a person that requires a single-use plastic straw due to a disability or medical condition.

**239-3 VIOLATIONS AND PENALTIES**

Violations of this section shall be punishable by one or more of the following: a fine not exceeding \$2,000; imprisonment for a term not exceeding 90 days; and/or a period of community service not exceeding 90 days, for each violation thereof.

**SECTION 2.** All ordinances of the City of Garfield, which are inconsistent with the provisions of this ordinance, are hereby repealed to the extent of such inconsistency.

**SECTION 3.** If any section, subsection, clause or phrase of this ordinance is for any reason held to be unconstitutional or invalid by any court or competent jurisdiction, such decision shall not affect the remaining portion of this ordinance.

The ordinance shall take effect on January 1, 2020.

INTRODUCTION ON 7/9/19:

	AYE	NAY	ABSTAIN	ABSENT
ALOIA				X
CALANDRIELLO	X			
E. DELANEY	X			
J. DELANEY	X			
RIGOGLIOSO	X			

*E. Delaney*  
*J. Delaney*  
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ADOPTION ON 8/13/19:

	AYE	NAY	ABSTAIN	ABSENT
ALOIA	X			
CALANDRIELLO	X			
E. DELANEY	X			
J. DELANEY	X			
RIGOGLIOSO	X			

I hereby CERTIFY that the foregoing ORDINANCE was adopted by the City Council at a Regular Meeting held Tuesday, August 13, 2019.

*Andrew J. Pavlica*

Andrew J. Pavlica, CITY CLERK