

ORDINANCE NO. 23-2019

AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 150, "PACKAGING PRACTICES, UNIFORM," OF THE CODE OF THE BOROUGH OF SEA BRIGHT, PROVIDING FOR REGULATIONS PERTAINING TO PLASTIC BAGS, PLASTIC UTENSILS, FOOD CONTAINERS, BALLOONS AND STRAWS

BE IT ORDAINED by the Mayor and Borough Council of the Borough of Sea Bright in the County of Monmouth, State of New Jersey, as follows:

SECTION ONE: The Code of the Borough of Sea Bright, Chapter 150, "Packaging Practices - Uniform," of the Code of the Borough of Sea Bright, be and the same is hereby amended and supplemented to read, in full, as follows:

CHAPTER 150 PLASTIC BAGS, PLASTIC UTENSILS, FOOD CONTAINERS, BALLOONS AND PLASTIC STRAW REGULATIONS

150-1 INTENT. The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam containers, plastic utensils and plastic straws by businesses in the Borough of Sea Bright. The regulations are intended as necessary and proper steps by the Borough to address a significant global problem relating to the sale and use of single-use plastic bags, polystyrene foam containers, plastic straws and plastic utensils, to further incentivize the use of reusable bags at businesses, and ultimately, to protect the environment, wildlife, and the public health, welfare and safety.

150-2 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 purpose of this Chapter, any retail establishment that engages in the retail sale of good and products. The definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, dry cleaners, food marts, and food service establishments.

GOOD 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, beverages, 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 CARRY OUT 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, 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, or garment bags.

150-3 REGULATION OF SINGLE USE, PLASTIC CARRYOUT BAGS, PLASTIC STRAWS AND PLASTIC UTENSILS. No business or store shall provide any single-use, plastic carryout bags; polystyrene foam containers; plastic straws or plastic utensils 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, except as otherwise provided in this Chapter.

150-4 EXCEPTIONS. Upon the specific request of any customer, a business or store may provide said customer with plastic utensils. It shall be a violation of this ordinance for any business or store to offer plastic utensils unless requested by the customer. Additionally, this ordinance should not be read as prohibiting cups or containers which may be utilized for more than a single serving.

150-5 CARRYOUT BAG FEE:

- (a) A store may provide a customer with a single-use paper carryout bag or a reusable carryout bag, provided that the store shall impose and collect a minimum bag fee of \$.10 for each such bag. No store shall be required to charge such fee for a produce or product bag. All monies collected under this provision shall be retained by the store.
- (b) All paper carryout bags must be 100% recyclable and include a minimum of 40% post-consumer recycled content.
- (c) The store shall indicate on the sales or other receipt given to the customer the total number of single-use paper carryout bags provided to the customer and the total fee charged to the customer.
- (d) No store shall charge a carryout bag fee for bags of any kind provided by the customer in lieu of a carryout bag provided by the store.
- (e) No store shall prevent a person from using a bag of any kind that they have brought to the store for the purpose of carrying items from such store.

150-6 PLASTIC BALLOONS. No persons shall possess a plastic balloon on any beach located in the Borough. No person shall release a plastic balloon into the atmosphere from any beach located in the Borough.

150-7 VIOLATIONS AND PENALTIES. Any person found guilty of violating any provision of this Chapter shall be subject to the following penalty schedule:

- A. First offense: a fine not to exceed \$100.
- B. Second offense: a fine not to exceed \$500.
- C. Third and subsequent offenses: a fine not to exceed \$1,250.

SECTION TWO: All Ordinances or parts thereof inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistencies.

SECTION THREE: If any section, subsection, paragraph, sentence or other portion of this Ordinance be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

SECTION FOUR: This Ordinance shall take effect on January 1, 2020.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on November 18, 2019 and will be further considered after a Public Hearing held on December 3, 2019 at the Municipal Building at 7:00 pm.

INTRODUCED: November 18, 2019

PUBLIC HEARING: December 3, 2019

ADOPTED:

Witness

BOROUGH OF SEA BRIGHT,

CHRISTINE PFEIFFER, CLERK

DINA LONG, MAYOR