

## Chapter 213

### SINGLE-USE PLASTIC CARRYOUT BAGS

#### § 213-1. Definitions.

The following words, phrases and terms, as used in this chapter, are hereby defined for the purpose thereof as follows:

**BAIT** — Any live or previously live and now frozen substance used to attract and catch fish or crabs on the end of a fishing hook or inside a bait trap.

**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, surf shops, food marts, and food service establishments.

**FOOD SERVICE ESTABLISHMENT** — Any establishment which serves made-to-order food for dine-in, takeout, or delivery.

**GARMENT BAG** — A large, zippered bag incorporating a hanger on which garments may be hung to prevent wrinkling during travel or storage and used to protect and transport clothing or other textiles.

**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.

**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.

**§ 213-2. Prohibited acts.**

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, except as otherwise provided in this chapter.

**§ 213-3. Exception.**

Single-use plastic carryout bags may be used by businesses or stores to sell bait.

**§ 213-4. Enforcement; violations and penalties.**

- A. Any notice of violation issued pursuant to this chapter shall be by the Municipal Court of the Borough of Beach Haven, which shall have the power to impose penalties as provided herein.
- B. The Code Enforcement Officer or Borough Police Department shall have the authority to enforce the provisions of this chapter.
- C. Any business or store that violates this chapter or any rules promulgated pursuant thereto shall receive a warning notice for the first violation.
- D. Any business or store that violates this chapter or any rules promulgated pursuant thereto subsequent to receiving a warning notice for a first violation pursuant to Subsection C of this section shall be liable for a civil penalty of \$250 for the first violation after receiving a warning and \$500 for any subsequent violation of the same section or subsection of this chapter or rule promulgated pursuant thereto. For purposes of this chapter, each commercial transaction shall constitute no more than one violation.