



Borough of Harrington Park
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Ordinance #737

NOW THEREFORE, BE IT RESOLVED THAT: The Borough of Harrington Park Code of Ordinances is hereby amended to prohibit the commercial use of single use plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging containers as follows:

ORDINANCE REGARDING RETAIL CHECKOUT BAGS, PLASTIC STRAWS, PLASTIC STIRRERS and POLYSTYRENE FOAM FOOD PACKAGING CONTAINERS

1. Purpose

The Borough of Harrington Park (“Borough”) and its Environmental Commission is committed to protecting the environment and the public health, safety, and welfare of its citizens, the watershed and surrounding waterways. The goal of this ordinance is to reduce the common use of single use plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging containers and to encourage the use of reusable bags by consumers, paper straws, wooden or bamboo stirrers and more sustainable/recyclable packaging containers by retailers, thereby reducing local land and water pollution, advancing solid waste reduction, protecting the Borough’s unique natural beauty and irreplaceable natural resources, and improving the quality of life for the citizens of the Borough.

2. Findings

2.1 Single use plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging containers are an environmental nuisance; adversely affect public health; are a detriment to the watershed and waterways surrounding our Borough; and impair the overall quality of life of the Borough’s residents and visitors.

•Because plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging containers are lightweight, they easily become airborne even when properly disposed of, littering the waterways, roadsides and sidewalks. They clog storm drainage systems, contribute to water and terrestrial pollution, and detract from the natural beauty of the Borough.

•Plastic bags, plastic straws, plastic stirrers and polystyrene foam food products photodegrade, disintegrating into minute particles which adsorb toxins and pose a threat to riparian and marine environments, contaminating the food chain, water and soil. They are also a menace to marine life, killing birds, marine mammals, sea turtles and fish each year. Polystyrene foam also contains toxic substances, Styrene and Benzene, which are known carcinogens and neurotoxins that are hazardous to humans.

•The vast majority of plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging containers are not recycled, and recycling of plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging containers is not available in The Borough of Harrington Park. Their disposal adds to the Borough's waste management expense, both through the cost of transporting waste to landfills and due to their contamination of the single-stream recycling system.

2.2 Single use plastic bags, plastic straws, plastic stirrers and polystyrene foam food packaging container ordinances have proven to be effective in reducing single use plastic consumption and litter; and are part of a growing global movement towards sustainability.

3. Definitions

3.1 **"Health Officer"** Includes the Sanitarian of the Borough of Harrington Park or any duly authorized agent or employee of the Board of Health, Borough of Harrington Park, County of Bergen, New Jersey.

3.2 **"Checkout Bag"** means a carryout bag with or without handles provided by a Store to a customer at the point of sale that is intended for the purpose of transporting food or merchandise out of the Store. The term "checkout bag" does not include Product Bags.

3.3 **"Product Bag"** - means a flexible container made of very thin plastic material with a single opening that is used to transport **dry cleaning materials, produce, meats, small unpackaged or other items** selected by customers at the point of sale.

3.4 A **"Single Use Plastic Bag"** is defined as a plastic bag provided at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment.

3.5 **"Recyclable Paper Bag"** means a paper bag with or without handles that is 100 percent recyclable.

3.6 **"Reusable Bag"** means a bag which can be reused many times. It is an alternative to single-use paper and plastic bags.

3.7 **"Plastic Straw"** means a tube made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources, for transferring a beverage from its container to the mouth of the drinker. "Plastic Straw" includes compostable and biodegradable petroleum or biologically based polymer straws, but does not include straws that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

3.8 **"Plastic Stirrer"** means a device that is used to mix beverages, intended for only one-time use, and made predominantly of plastic derived from either petroleum or a biologically based polymer, such as corn or other plant sources. "Plastic stirrer" includes compostable and biodegradable petroleum or a biologically based polymer stirrers, but does not include stirrers that are made from non-plastic materials, such as paper, sugar cane, bamboo, etc.

3.9 **"Polystyrene Foam Container"** means and includes any form of container made from blown polystyrene and expanded and/or extruded foams (sometimes referred to as **"Styrofoam"**, which are derived from thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including, but not limited to, fusion of polymer spheres (expandable bead polystyrene) injection molding, foam

molding, and extrusion-blow molding (extruded foam polystyrene). Polystyrene foam is generally used to make such things as cups, bowls, plates, trays, clamshell containers, prepared food take-out containers, meat trays, and egg cartons.

3.10 “**Retail Sales**” - means the transfer to a customer of goods in exchange for payment occurring in retail stores, sidewalk sales, farmer’s markets, flea markets and restaurants. The term “Retail Sales” does not includes sales of goods at yard sales, tag sales, other sales by residents at their home.

3.11 “**Store**” means any commercial or non-commercial enterprise engaging in Retail Sales. selling or offering goods, food or services directly to the public, whether for or not for profit, including, but not limited to, convenience and grocery stores, markets, restaurants, pharmacies, liquor stores, take-out food purveyors, and merchandise retailers.

4. Use Regulations; Exception

4.1 Any person engaged in Retail Sales shall provide only Reusable Bags and/or Recyclable Paper Bags as Checkout Bags to customers. No Store in the Borough shall provide Single Use Plastic Checkout Bags to any person.

4.2 If a Store provides Checkout Bags, they shall only provide Recyclable Paper Bags or Reusable Bags.

4.3 This ordinance shall not apply to Product Bags.

4.4 No Store shall provide Plastic Straws to any person.

4.5 No Store shall provide Plastic Stirrers to any person.

4.6 No Store shall serve, sell, give or provide food or beverage contained in a Polystyrene Foam Container to any person.

5. Recyclable Paper and Reusable Bag Fees; Exceptions

5.1 Stores shall charge and retain a fee of not less than \$0.10 for each Recyclable Paper Bag or Reusable Bag provided to a customer.

5.2 Nothing in this ordinance shall prohibit a Store from encouraging and providing incentives for the use of Reusable Bags. Stores may use credits or rebates for customers that bring their own Reusable Bags for the purpose of carrying away goods.

6. Penalty Amount

Any violation of this ordinance shall be punishable by a civil fine of \$250 per incident.

7. Enforcement

7.1 The Borough Health Officer shall be authorized to enforce violations of this ordinance.

7.2 The Borough Health Officer shall provide written notice to any person who violates this ordinance. Upon subsequent violation by the same person, the Borough Health Officer shall issue a citation as provided for the Code. Repeat offenders shall be issued additional citations without first receiving a notice of violation.

8. Effective Date

This ordinance shall take effect four **(4) months** from the date of adoption.

****There will be a four-month window for public education and for businesses to use their existing inventory of plastic bags, straws, stirrers and polystyrene foam containers and make the conversion. Education materials for businesses will be provided by the Harrington Park Environmental Commission. During this time suggested alternative options will be provided to retail stores and businesses.**

After the four months, anyone who violates the ban will be notified by the Borough and given 14 days to comply. Each subsequent violation is punishable by a \$250 per incident fine. Fine money will be used for further initiatives to create a culture of plastic waste reduction. Additionally, the Borough will not renew licenses for businesses found to be in violation of the ordinance.

	MOTION	SECOND	YES	NO	ABSTAIN	ABSENT
Roll Call Vote						
NAPOLITANO(AN)			x			
EVANELLA (GE)			x			
WALKER (DW)		x	x			
BROCKMAN (JB)	x		x			
PEDERSEN (JP)						x
CHUNG (JC)						x

Certified Copy of an Ordinance adopted at the September 9, 2019 Regular Meeting of the Mayor and Council of the Borough of Harrington Park, Bergen County, New Jersey.


 Ann H. Bistriz
 Borough Clerk
