

ARTICLE XVI
Single-Use Plastic Bags and Single-Use Plastic Straws
[Added 7-17-2018 by Ord. No. 8-2018]

§ 97-138. Preamble incorporated by reference.

The above-listed recitals are incorporated herein and are relied upon by the Freeholder Board for its adoption of this article.¹

§ 97-139. Definitions.

As used in article, the following terms shall have the meanings indicated:

REUSABLE BAG — Any bag with handles that is specifically designed and manufactured for multiple, long-term reuse, made of cloth or other machine- or hand-washable fabric or made of other durable material, including plastic that is at least 2.25 mils thick.

REUSABLE STRAW — A straw made from a material such as stainless steel, glass, silicone or some other material that can be cleaned, does not leach chemicals or interact with the product being consumed.

SINGLE-USE PLASTIC BAG — Any plastic bag that is provided to customers at point of sale for carryout purchases by a commercial establishment. Single-use plastic bags do not include reusable bags or any carryout bags that are a maximum of 11 inches by 17 inches, without handles, provided for the customer to transport produce, bulk food, meat, or seafood from a produce, bulk food, meat or seafood department within a store to the point of sale, or to hold prescription medication dispensed from a pharmacy.

SINGLE-USE PLASTIC STRAWS — Are used only once before they are thrown away or recycled. These items include plastic straws and coffee stirrers.

§ 97-140. Use prohibited.

It shall be unlawful for any user and/or visitor of the Atlantic County Park System to utilize single-use plastic bags or single-use plastic straws as defined in § 97-139 in any area of the Atlantic County Parks System.

1. Editor's Note: Said recitals are on file in the County offices.

§ 97-141. Enforcement; posting.

The provisions of this article shall be enforced by the County Park Rangers. In order to properly inform the public and park users of the proscriptions of this article, the applicable provisions of this article shall be posted at the entrances to all County Park facilities. County Park Rangers shall, to the extent feasible, remind County Park users of the provisions of this article.

§ 97-142. Violations and penalties.

- A. In order to allow time to educate the general public as to the provisions of this article, during the first year following the effective date of this article the County will issue warnings to those who carry or utilize single-use plastic bags or single-use plastic straws in any County Park and no penalty shall be imposed during this initial year following the effective date of this article.
- B. After the expiration of the warning period, pursuant to N.J.S.A. 40:41A-101(b)(7) the County shall issue penalties for violations of this article which shall involve the imposition of a fine not exceeding \$500. Violations of this article shall be enforced in the municipal court of any municipality in which a given area of the County Park system is located.

§ 97-143. Construction; severability.

- A. This article is to be liberally construed to effectuate its purposes.
- B. If any section, subsection, paragraph, sentence, clause, phrase, or word contain in this article shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this article which shall remain in full force and effect.
- C. All other terms, provisions and requirements of Atlantic County Code Chapter 97 not specifically amended by or inconsistent with the terms of this article shall remain in full force and effect.

§ 97-144. Repealer.

Any ordinance or portion thereof enacted by the County that contains any subject matter governed by this article, which is inconsistent with or which stands as an obstacle to the effective implementation of this article shall be superseded by this article and is hereby repealed and set aside.

§ 97-145. Effective date.

This article shall take effect following passage and publication in accordance with the law.