

ORDINANCE #827-19
AN ORDINANCE OF THE BOROUGH OF LITTLE SILVER COUNTY OF
MONMOUTH, STATE OF NEW JERSEY AMENDING AND SUPPLEMENTING
CHAPTER 5, "POLICE REGULATIONS," NEW SECTION 5-29 ENTITLED
"LIMITING USE OF SINGLE-USE PLASTIC BAGS, POLYSTYRENE FOAM
CONTAINERS AND PLASTIC STRAWS BY BUSINESSES " OF THE CODE OF THE
BOROUGH OF LITTLE SILVER

5-29.1: INTENT.

The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use non-biodegradable plastic bags, polystyrene foam containers and plastic straws by businesses in the Borough of Little Silver. 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 and plastic 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.

5-29.2 DEFINITIONS.

"Business or Store" means 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, dry cleaners, food marts, and food service establishments.

"Effective Date" shall be defined as the date on which final adoption and publication in accordance with the law are complete.

"Enforcement Date" shall be the later of 180 days from the Effective Date, or October 1, 2019.

"Food Service Establishment" means any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

"Garment Bag" means a large 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" means 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" means 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" means the sale of goods and products for use and/or consumption.

"Reusable Bag" means 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 its capable of carrying a minimum of 18 pounds.

"Single-Use, Plastic Carryout Bag" means a bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" which does not decompose within 12 months 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 or product bags, or garment bags.

5-29.3 REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS.

No business or store shall provide any single-use, plastic carryout bags, polystyrene foam containers and/or plastic straws 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.

5.29.4 ENFORCEMENT.

This Ordinance shall take effect on the Effective Date, and all Businesses and Stores must be in compliance with same by the Enforcement Date.

Any business or store found not to be in compliance with this Ordinance on the Enforcement Date, and which has not made application to the Borough Council for an extension as provided in this section, shall be in violation of this Ordinance and subject to the violations and penalties prescribed herein.

The Borough Council may, in the Borough's sole discretion, grant an extension of time for compliance with the Ordinance when a business or store makes application for an extension prior to the Enforcement Date. Upon such application, the Borough shall consider whether the business or store has made adequate good faith efforts to comply with this Ordinance by the Enforcement Date, and has been unable do so for

compelling reasons. The Borough may, in its sole discretion, grant an extension for not longer than 180 additional days from the Enforcement Date.

5-29.5 VIOLATIONS AND PENALTIES.

Each business or store violating any of the provisions of this section shall, upon conviction thereof in municipal court, be subject to a penalty of up to \$500 for a first offense, up to \$1,000 for a second offense, and up to \$2,500 for a third offense. If the violation is of a continuing nature, each day during which it continues shall constitute an additional, separate, and distinct offense.


5-29.6 SEVERABILITY.

In the event that any clause, section, provision, paragraph, or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, the remaining provisions of the Ordinance not affected by said invalidity shall remain in full force and effect.

INTRODUCED: March 11, 2019


APPROVED: March 11, 2019

ADOPTED: March 25, 2019



Robert C. Neff, Jr., Mayor

Attest:



Kimberly Jungfer
Administrator/Borough Clerk