

ORDINANCE NO. 2018-02

**AN ORDINANCE OF THE BOROUGH OF HARVEY CEDARS, COUNTY OF OCEAN,
STATE OF NEW JERSEY, CREATING A NEW CHAPTER 22 OF THE REVISED
GENERAL ORDINANCES OF THE BOROUGH OF HARVEY CEDARS, 1975, TO BE
ENTITLED "PLASTIC BAG REGULATIONS"**

BE IT ORDAINED by the Board of Commissioners of the Borough of Harvey Cedars as follows:

Section 1. The Revised General Ordinances of the Borough of Harvey Cedars is hereby amended to create a new Chapter 22 entitled "Plastic Bag Regulations" which shall read as follows:

**CHAPTER XXII
PLASTIC BAG REGULATIONS**

22-1 INTENT. The intent of this Ordinance is to adopt regulations relating to and limiting the use of plastic bags by businesses in the Borough of Harvey Cedars. 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 plastic bags, to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety.

22-2 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, 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 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.

22-3 REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS. 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.

22-4 EXCEPTIONS.

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

22-5 VIOLATIONS AND PENALTIES.

Each person violating any of the provisions of this section shall, upon conviction thereof, be liable to the penalty stated in Chapter III, section 3-9.

Section 2. All ordinances or parts of ordinances inconsistent herewith are repealed to the extent of such inconsistency.

Section 3. If any word, phrase, clause, section or provision of this ordinance shall be found by any court of competent jurisdiction to be unenforceable, illegal or unconstitutional, such word, phrase, clause, section or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

Section 4. This Ordinance shall take effect after final adoption and publication in accordance with law. Enforcement of this Ordinance shall begin June 1, 2018.

ADOPTED ON: February 2, 2018