

**ORDINANCE 622-19**

**NOTICE**

**AN ORDINANCE OF THE BOROUGH OF OCEAN GATE, COUNTY OF OCEAN, STATE OF NEW JERSEY REGULATING PLASTIC BAG, FOOD CONTAINERS, AND PLASTIC STRAWS TO BE ENTITLED “PLASTIC REGULATIONS.”**

**NOW THEREFORE, BE IT ORDAINED** by the Mayor and Borough Council of the Borough of Ocean Gate, State of New Jersey, as follows:

**SECTION I**

616-18            PLASTIC REGULATIONS.

616-18.1        INTENT. The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam containers, and plastic straws by businesses in the Borough of Ocean Gate. 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.

616-18.2        DEFINITIONS. The following words, phrases, and terms as used in this Ordinance are hereby defined for the purpose thereof as follows:

*Business.* Any retail establishment that engages in the retail sale of goods and products. The definition includes, but is not limited to, convenience stores, food service establishments, retail stores, etc.

*Food Service Establishments.* Any establishment which serves made-to-order food or beverages for dine-in, takeout, and/or delivery.

*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, beverages, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things items sold at retail by business 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 (a) is designed and manufactured to withstand repeated uses over a period of time; (b) is machine washable or made from a material that can be cleaned and disinfected regularly; (c) is at least two-and-a-quarter millimeters (2.25 mm) thick, if made from plastic; (d) has a minimum lifetime of seventy-five (75) uses; and (e) is capable of carrying a minimum of eighteen pounds (18 lbs.).

*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, or garment bags.

### 616-18.3 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 Ordinance.

### 616-18.4 EXCEPTIONS.

Reserved.

### 616-18.5 VIOLATIONS AND PENALTIES.

Each person or entity violating any of the provisions of this section shall, upon conviction thereof, be liable for a fine not less than \$50.00 nor more than \$500.00 and/or up to ninety (90) days in jail.

## **SECTION II**

All ordinances or parts of ordinances inconsistent with the provision of this Ordinance are hereby repealed.

## **SECTION III**

If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such portion shall be deemed as separate, distinct, and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

## **SECTION IV**

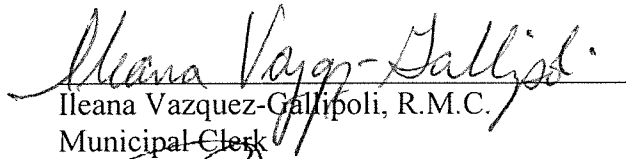
This Ordinance shall take effect on September 13, 2019 upon its final adoption, approval and publication as required by law.

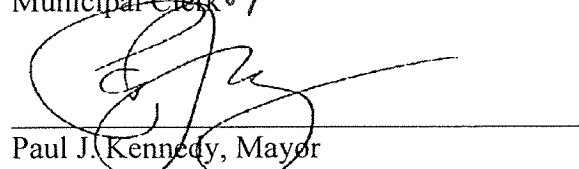
**NOTICE**

**PUBLIC NOTICE** is hereby given that the foregoing ordinance was introduced and passed on first reading of the Borough Council of Ocean Gate, in the County of Ocean, State of New Jersey, held on February 27, 2019, and will come on for a second reading, public hearing and final passage at a regular meeting of said Borough Council to be held on March 13, 2019, at Borough Council Chambers, 801 Ocean Gate Avenue, Ocean Gate, New Jersey, at 7:00 P.M., or as soon thereafter as the matter can be reached, at which last mentioned date, hour and place any person desiring to be heard either for or against the adoption of the within ordinance will be given an opportunity to be so heard.

**INTRODUCED: February 27, 2019**

**ADOPTED: March 13, 2019**

  
Ileana Vazquez-Gallipoli, R.M.C.  
Municipal Clerk

  
Paul J. Kennedy, Mayor