

ORDINANCE O.2017-2018

EXPLANATION: An Ordinance prohibiting the utilization of single-use plastic bags and plastic straws within the Township.

WHEREAS, the Township of Edison (the “**Township**”) is a public body corporate and politic of the State of New Jersey; and

WHEREAS, the Township Code of General Ordinances (the “**Code**”) currently regulates certain operations of local establishments as related to the health and safety of patrons, pursuant to Chapter 12 of the Code; and

WHEREAS, the Township desires to amend Chapter 12 of the Code, entitled “Health Regulations and Licensing,” to create subsection 12-30, which would prohibit the utilization of single-use plastic bags and plastic straws throughout the Township; and

WHEREAS, the Municipal Council of the Township (“**Municipal Council**”) has determined to amend Chapter 12 of the Code to read as follows (additions are underlined and deletions are in [brackets]):

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

12-30 SINGLE-USE PLASTIC BAGS AND PLASTIC STRAWS

a. Definitions.

As used in this section:

“Effective Date” means August 1, 2018.

“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, food marts, and food service establishments.

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

“Reusable Bag” means any bag with handles that is specifically designed and manufactured for multiple, long term reuse, (i) made of cloth or other machine or hand washable fabric, or (ii) made of other durable material, including plastic that is at least 2.25 ml thick.

“Single-Use Bag” means any plastic bag that is provided to customers at point of sale for carryout purchases by a commercial establishment. Single-use 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 (i) 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 (ii) to hold prescription medication dispensed from a pharmacy.

“Single-use Straws” are used only once before they are thrown away or recycled. These items include plastic straws and coffee stirrers, and exclude straws or stirrers made from recyclable or easily degradable materials such as wood or paper, or 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.

b. It shall be unlawful for any person, Food Service Establishment, Business or Store located within the Township to utilize Single-use Bags or Single-use Straws, as defined in section 12-30(a) above, in any area of the Township.

c. In order to allow time to educate the general public as to the provisions of this Ordinance, during the first six (6) months following the Effective Date of this Ordinance, the Township will issue a written notice of warning to those who carry or utilize single-use plastic bags or single-use plastic straws, and no penalty shall be imposed during this initial year following the Effective Date.

d. After the expiration of the warning period on February 1, 2019, the Township shall issue penalties for violations of this section which shall involve the imposition of penalties in accordance with section 12-3 above.

... [NOTE to Codifier. Existing text not appearing herein has been deleted solely for brevity. NO CHANGE] ...

NOW, THEREFORE, BE IT ORDAINED by the Municipal Council of the Township of Edison, Middlesex County, State of New Jersey, as follows:

1. The aforementioned recitals are incorporated herein as though fully set forth at length.

2. The Municipal Council hereby amends Chapter 12 of the Code, entitled "Health Regulations and Licensing" to read as follows:

12-30 SINGLE-USE PLASTIC BAGS AND PLASTIC STRAWS

a. Definitions.

As used in this section:

"Effective Date" means August 1, 2018.

"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, food marts, and food service establishments.

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

"Reusable Bag" means any bag with handles that is specifically designed and manufactured for multiple, long term reuse, (i) made of cloth or other machine or hand washable fabric, or (ii) made of other durable material, including plastic that is at least 2.25 ml thick.

"Single-Use Bag" means any plastic bag that is provided to customers at point of sale for carryout purchases by a commercial establishment. Single-use 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 (i) 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 (ii) to hold prescription medication dispensed from a pharmacy.

"Single-use Straws" are used only once before they are thrown away or recycled. These items include plastic straws and coffee stirrers, and exclude straws or stirrers made from recyclable or easily degradable materials such as wood or paper, or 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.

b. It shall be unlawful for any person, Food Service Establishment, Business or Store located within the Township to utilize Single-use Bags or Single-use Straws, as defined in section 12-30(a) above, in any area of the Township.

c. In order to allow time to educate the general public as to the provisions of this Ordinance, during the first six (6) months following the Effective Date of this Ordinance, the Township will issue a written notice of warning to those who carry or utilize single-use plastic bags or single-use plastic straws, and no penalty shall be imposed during this initial year following the Effective Date.

d. After the expiration of the warning period on February 1, 2019, the Township shall issue penalties for violations of this section which shall involve the imposition of penalties in accordance with section 12-3 above.

7. It is the intent of the Municipal Council to incorporate the additions and supplements contained in this Ordinance into the Code. All of the remaining provisions in Chapter 12 of the Code shall remain unchanged and have full force and legal effect.

8. If any section, paragraph, subdivision, clause, sentence, phrase or provision of this Ordinance is declared unconstitutional or invalid by a court of competent jurisdiction, such decision shall not affect the remaining portions of this Ordinance.

9. A copy of this Ordinance shall be available for public inspection at the offices of the Township Clerk.

10. This Ordinance shall take effect after twenty (20) days of its final passage by the Municipal Council, upon approval by the Mayor and publication as required by law.