

**TOWNSHIP OF CHESTERFIELD
ORDINANCE NO. 2019-29**

AN ORDINANCE ADDING A NEW CHAPTER TO THE TOWNSHIP CODE OF THE TOWNSHIP OF CHESTERFIELD ENTITLED "SINGLE-USE PLASTIC BAGS"

WHEREAS, the Township Committee of the Township of Chesterfield desires to protect its natural environment, safeguard its wild and marine life, and reduce waste and litter; and

WHEREAS, single-use plastic disposable bags are significantly contribute to litter and plastic pollution in New Jersey, diminish the operating life of local landfills, and increase the economic and environmental costs of managing waste.

NOW, THEREFORE BE IT ORDAINED by the Township Committee of the Township of Chesterfield, County of Burlington, State of New Jersey, that the Township Code of the Township of Chesterfield is hereby amended by the addition of the following

ARTICLE I. NEW CHAPTER

A. Chapter 187 "Single-Use Plastic Bags"

§187-1 Definitions

- a. Compliant Bag—A reusable bag is a durable carryout bag with stitched handles for reinforcement made from any natural or synthetic material other than plastic film including, but not necessarily limited to, woven or nonwoven plastic or cloth, that is at least 10 mils thick, and that is specifically designed and manufactured for multiple reuse, and that is machine-washable or is made from a material that can be cleaned or disinfected regularly.
- b. Compostable Plastic—Plastic that undergoes degradation by biological processes during composting to yield CO₂, water, inorganic compounds, and biomass at a rate consistent with other known compostable materials and that leaves no visible, distinguishable, or toxic residue.
- c. Customer—Any person purchasing goods or services from a retail establishment.
- d. Operator—The person in control of, or having the responsibility for, the operation of a retail establishment, which may include, but is not limited to, the owner of the retail establishment.
- e. Person—Any natural person, firm, corporation, partnership, or other organization or group, however organized.
- f. Post-Consumer Recycled Material—A bag constructed of a material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. "Post-consumer recycled material" does not include materials and by-products generated from, and commonly reused within, an original manufacturing and fabrication process.
- g. Produce Bag/Product Bag—A very thin bag without handles used exclusively to carry produce, meats, or other food items to the point of sale inside a retail establishment or, for

reasons of public health and safety, to prevent such food items from coming into direct contact with other purchased items.

- h. **Recyclable**—Material that can be sorted, cleansed, and reconstituted using available recycling collection programs for the purpose of reusing the altered, incinerated, converted, or otherwise thermally destroyed solid waste generated therefrom. The material must be recycled in a manner that is environmentally effective, economically feasible, and safe for employees as deemed feasible by the municipality.
- i. **Retail Establishment**—Any store or commercial establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the (municipality). Retail establishments include: a business establishment that generates a sales or use-tax; a drug store, pharmacy, supermarket, grocery store, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda, and snack foods; a public eating establishment (i.e., a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods. "Retail establishment" does not include nonprofit charitable organization as defined in Section 501(c)(3) of the Internal Revenue Code of 1986, or a distinct operating unit or division of the charitable organization that reuses and recycles donated goods or materials and receives more than 50% of its revenues from the handling and sale of those donated goods or materials.
- j. **Single-use Paper Carry-out Bag**—Any carrier bag made predominately of paper.
- k. **Single-use Plastic Carry-out Bag**—Any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an operator of are retail establishment to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of "single-use plastic carry-out bag":
 - i. Bags provided by operators and used by consumers inside retail establishments to:
 1. Package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
 2. Contain or wrap frozen foods, meat, or fish, whether packaged or not;
 3. Contain or wrap flowers, potted plants, or other items where dampness may be an issue;
 4. Contain unwrapped prepared foods or bakery goods; or
 5. Pharmacy prescription bags.
 - ii. Newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, yard waste bags, or pet waste bags.

§187-2 Single-use carry-out bags prohibited

No retail establishment shall provide to any customer a single-use plastic/paper carry-out bag, as defined above. This prohibition applies to bags provided for the purpose of carrying goods away from the point of sale and does not apply to product bags or to produce bags used to carry produce within the retail establishment to the point of sale. The prohibition applies to single-use plastic/paper carry-out bags used for take-out deliveries from retail establishments within the municipality. The point of sale in such transactions is deemed to be at the retail establishment, regardless of where payment for the transaction physically occurs.

§187-3 Availability and use of compliant bags

- A. All retail establishments shall make available to customers, for a fee, compliant bags, as defined herein, for the purpose of carrying goods or other materials away from the point of sale, subject to the provisions of this chapter. The fee charged shall be reflected in the sales receipt.
- B. Nothing in this chapter prohibits customers from using bags of any type that they choose to bring to retail establishments themselves, in lieu of using bags available for a fee from the retail establishment, or from carrying away goods that are not placed in a bag.

§187-4 Fees for provision of compliant bags.

- A. A retail establishment may provide customers with a reusable bag, as defined herein, for a fee of at least \$0.10.
- B. All monies collected by retail establishments under this chapter shall be retained by the store.

§187-5 Use of reusable bags encouraged.

- A. A retail establishment may choose, in its discretion, to provide a credit to customers that choose to bring their own bags.
- B. Each retail establishment shall be strongly encouraged to educate its staff to promote the use of reusable bags and to post signs encouraging customers to use reusable bags rather than recyclable paper carry-out bags.
- C. A retail establishment is strongly encouraged to educate on plastic bag and plastic film recycling and offer a take back program.
- A. The (governing body) may choose to increase the fee for compliant bags for continued enforcement of behavioral change.

§188-7 Enforcement; violations and penalties

- A. The department (E.g., Code Enforcement) or his/her designee, has the responsibility for enforcement of this chapter and may promulgate reasonable rules and regulations in order to

enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.

- B. Any retail establishment that violates or fails to comply with any of the requirements of this chapter after an initial written warning notice has been issued for that violation shall be liable for an infraction.
- C. If a retail establishment has subsequent violations of this chapter after the issuance of an initial written warning notice of a violation, the following penalties will be imposed and shall be payable by the operator of the retail establishment:
 - a. A fine not exceeding \$100 for the first violation after the written warning notice is given;
 - b. A fine not exceeding \$200 for the second violation after the written warning notice is given; or
 - c. A fine not exceeding \$500 for the third and any subsequent violations after the written warning notice is given.
- D. A fine shall be imposed for each day a violation occurs or is allowed to continue.
- E. Any appeal of a written warning notice or fine shall be conducted pursuant to standard municipal regulations and procedures concerning appeals already adopted by the (municipality).

§188-8 Authority to promulgate rules

The Code Enforcement Department shall have the authority to promulgate rules as necessary and appropriate for the implementation of this chapter.

ARTICLE II. REPEALER, SEVERABILITY AND EFFECTIVE DATE.

- A. Repealer. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.
- B. Severability. In the event that any clause, section, paragraph or sentence of this Ordinance is deemed to be invalid or unenforceable for any reason, then the Township Committee hereby declares its intent that the balance of the Ordinance not affected by said invalidity shall remain in full force and effect to the extent that it allows the Township to meet the goals of the Ordinance.
- C. Effective Date. This Ordinance shall take effect six months after proper passage in accordance with the law.

CHESTERFIELD TOWNSHIP COMMITTEE

Introduced: December 12, 2019

Adopted:

RECORD OF VOTE														
INTRODUCTION							ADOPTION							
TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	TWP COMMITTEE	AYE	NAY	NV	AB	ORD	SEC	C
S Dhopte				X			S Dhopte							

A Katz	X					X	A Katz						
J Liedtka	X						J Liedtka						
D Koetas-Dale	X				X		D Koetas-Dale						
R Romeu	X						R Romeu						
X – Indicates Vote NV – Not Voting AB – Absent ORD – Motion SEC - Seconded													