

ORDINANCE NO. 2008-27

**ORDINANCE OF THE BOROUGH OF RED BANK,
COUNTY OF MONMOUTH, NEW JERSEY
AMENDING AND SUPPLEMENTING
CHAPTER IXX, "STREETS, SIDEWALKS AND SANITATION,"
BY ADDING NEW SECTION 19-14,
"RECYCLING OF PLASTIC CHECKOUT BAGS"**

WHEREAS, plastic shopping bags have become ubiquitous throughout the Borough of Red Bank and the United States as a whole; and

WHEREAS, plastic shopping bags usually end up being discarded, further filling already scarce landfills, or often littering the landscape, or our waterways; and

WHEREAS, the manufacture of plastic bags requires the use of scarce fossil fuel resources and the Borough Council encourages the use of bio-plastic and reusable bags; and

WHEREAS, according to the Worldwatch Institute, in January 2002, the South African government required manufacturers to make plastic bags more durable and more expensive to discourage their disposal, prompting a 90-percent reduction in their use; and

WHEREAS, also according to Worldwatch, when the Republic of Ireland instituted a per bag tax in March 2002, which led to a 95-percent reduction in use in plastic bags; and

WHEREAS, the Cities of New York, Seattle and San Francisco recently enacted an Ordinance requiring the use of compostable or recyclable shopping bags; and

WHEREAS, the City of Baltimore and the City of Boston are considering similar Ordinances; and

WHEREAS, the New Jersey Legislature is considering Assembly Bill No. 4555, entitled, the Plastic Bag Recycling Act; and

WHEREAS, the Mayor and Council of the Borough of Red Bank believes that environmental issues can, and should, start at the local level; and

WHEREAS, the Borough of Red Bank, by virtue of its location along the Navesink River, has a special responsibility to preserve and enhance the cleanliness and beauty of the Navesink River, which can be achieved by reducing the amount of discarded plastic bags which may eventually find their way into the River; and

WHEREAS, the Mayor and Council believe that the environmental harm caused by the use and manufacture of plastic shopping bags, must be reduced and deterred for the health and welfare of the general public; and

WHEREAS, the Mayor and Council believe that requiring merchants who provide plastic checkout bags to make provision for their return and reuse will promote the public health and welfare by reducing the volume of such shopping bags in the waste stream and reduce litter;

NOW, THEREFORE, BE IT ORDAINED by the Governing Body of the Borough of Red Bank that Chapter IXX of the Revised General Ordinances of the Borough of Red Bank, Monmouth County, "STREETS, SIDEWALKS AND SANITATION," is hereby amended and supplemented as follows (*strikeouts denote deletions, underlined text denote additions*):

SECTION ONE:

1. New Section 19-14, entitled, "Mandatory Recycling of Plastic Bags" is added as follows:

19-14.1 Definitions.

For the purposes of this Ordinance, the following words shall have the following meanings:

- a. "Plastic Checkout bag" means a carryout bag that is made of, or contains, any type of plastic that is provided by a store to a customer at the point of sale.
- b. "Store" means any retail or restaurant establishment located within the geographical limits of the Borough of Red Bank.

19-14.2 Recycling of Checkout Bags.

- a. All stores that offer plastic checkout bags shall provide suitable containers, or bins, in sufficient quantity, for customer's return of plastic checkout bags by June 1, 2009, and shall be responsible for the sanitary reuse or recycling of any such plastic checkout bags, except that stores without adequate space for the placement of a bin or container, may prominently display a sign advising the public that the store will take back, reuse, or recycle plastic checkout bags;
- b. Violation of the requirements set forth in this subsection shall subject a Store to penalties set forth in Section 19-14.3.
- c. The Department of Public Works shall make provision for the collection of plastic checkout bags at the Borough's recycling center as soon as practicable after the effective date of this Ordinance.
- d. Nothing in this section shall be read to preclude Stores from making reusable bags available for sale to customers.

19-14.3 Enforcement and Penalties. Any person who violates this Ordinance shall be punishable as follows:

- a. A fine not exceeding \$100.00 for a first violation;
- b. A fine not exceeding \$200.00 for a second violation within the same year;
- c. A fine not exceeding \$500.00 for each additional violation within the same year;
- d. The Borough Attorney may also seek legal, injunctive, or other equitable relief to enforce this Ordinance.

19-14.4 Effective Date. This Ordinance shall take effect immediately upon its passage and adoption according to law.

SECTION TWO: Any ordinances or portions thereof which are inconsistent with the provisions of this Ordinance are hereby repealed as of the effective date of this Ordinance.

SECTION THREE: If any provision of this Ordinance or the application of such

provision to any person or circumstance is declared invalid, such invalidity shall not affect the other provisions or applications of this Ordinance which can be given effect, and to this end, the provisions of this Ordinance are declared to be severable.

Pasquale Menna, Mayor

Carol A. Vivona, Borough Clerk

First Reading: December 8, 2008

Final Reading: December 22, 2008