



Township Council

c/o Township Clerk
Teaneck, NJ 07666

Meeting: 07/06/17 07:00 PM

Department: Township Clerk

Category: Authorize

DOC ID: 4047

ORDINANCE (ID # 4047)

ORDINANCE NO. 18-2017 AN ORDINANCE REQUIRING RETAIL ESTABLISHMENTS WITHIN THE TOWNSHIP OF TEANECK TO COLLECT A PASS-THROUGH CHARGE FROM CUSTOMERS REQUESTING DISPOSABLE PLASTIC CHECKOUT BAGS BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #18-2017 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

AN ORDINANCE REQUIRING RETAIL ESTABLISHMENTS WITHIN THE TOWNSHIP OF TEANECK TO COLLECT A PASS-THROUGH CHARGE FROM CUSTOMERS REQUESTING DISPOSABLE PLASTIC CHECKOUT BAGS

BE IT RESOLVED by the Township Council of the Township of Teaneck that Ordinance #18-2017 pass upon second and final reading and that the Township Clerk is hereby authorized and directed to advertise the same according to law and to provide the appropriate notices in accordance with law.

HISTORY:

05/23/17

Township Council

INTRODUCED

TOWNSHIP OF TEANECK
BERGEN COUNTY, NJ

ORDINANCE NO. 18-2017 AN ORDINANCE REQUIRING RETAIL ESTABLISHMENTS WITHIN THE TOWNSHIP OF TEANECK TO COLLECT A PASS-THROUGH CHARGE FROM CUSTOMERS REQUESTING DISPOSABLE PLASTIC CHECKOUT BAGS BE IT RESOLVED BY THE TOWNSHIP COUNCIL OF THE TOWNSHIP OF TEANECK THAT ORDINANCE #18-2017 PASS UPON SECOND AND FINAL READING AND THAT THE TOWNSHIP CLERK IS HEREBY AUTHORIZED AND DIRECTED TO ADVERTISE THE SAME ACCORDING TO LAW AND TO PROVIDE THE APPROPRIATE NOTICES IN ACCORDANCE WITH LAW.

WHEREAS, Assembly Bill 3671 is pending before the New Jersey State Assembly to establish a fee on single-use carryout bags in certain retail establishments; and

WHEREAS, pending the passage and adoption of such bill into law, the Township Council finds that the reduction in the use of disposable plastic checkout bags by retail establishments in the Township of Teaneck is a public purpose; and

WHEREAS, the reduction in the use of disposable plastic checkout bags helps to protect the marine environment, advance solid waste reduction, reduce greenhouse gas emissions, and protects waterways; and

WHEREAS, the Township Council desires to reduce the number of disposable plastic checkout bags that are being burned, used, discarded and littered and to promote the use of reusable checkout bags, recyclable paper bags and bio-degradable plastic bags by retail establishments located within Teaneck; and

WHEREAS, to afford an opportunity for the State Legislature to adopt and the Governor to sign a statewide uniform statute regulating the use of disposable checkout bags, to provide an opportunity to establish a public information program to address the effects of single-use carryout bags on the environment and to encourage consumers to use reusable carryout bags for retail shopping and to provide an adequate time period in which retailers can implement a change from disposable plastic checkout bags to reusable carryout bags, the Township Council finds that it is in the best interests of the citizens of the Township of Teaneck to delay the effective date of this ordinance for a one (1) year period following adoption;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck as follows:

Section 1. Chapter 26, Offenses-Miscellaneous, of the Code of the Township of Teaneck is hereby amended to add thereto Section 26-31 to read in full as follows:

Section 26-31. Disposable Plastic Checkout Bags

A. Definitions.

“Checkout Bag” means a carryout bag provided by a retail establishment to a customer at the point of sale but shall not include:

1. bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a Retail Establishment.
2. laundry or dry-cleaning bags.
3. newspaper bags.
4. bags used to contain or wrap frozen foods, meat or fish, whether prepackaged or not, to prevent or contain moisture.

“Recyclable Paper Bag” means a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content and displays the words “Recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

“Reusable Bag” means a bag with handles that is specifically designed and manufactured for multiple reuse and is either made from polyester, polypropylene, cotton or other durable material or plastic which is at least 3.0 mils in thickness.

“Bio-degradable Plastic Bag” means a plastic Checkout Bag that meets the current standards of the American Society for Testing and Materials International (ASTM) D6400 for compostable plastic, as that standard may be amended from time to time, and is capable of undergoing biological decomposition in a compost site such that the material breaks down into carbon dioxide, water, inorganic compounds and biomass at a rate consistent with known bio-degradable materials.

Disposable Plastic Checkout Bag” means a Checkout Bag made of plastic which is neither a Reusable Bag nor a Bio-degradable Plastic Bag.

“Retail Establishment” means any commercial enterprise, whether or not operated for-profit, including mercantile establishments, restaurants, pharmacies, convenience and grocery stores, liquor stores, seasonal and temporary businesses, jewelry stores, and household goods stores, but excluding bazaars or special events operated by a nonprofit organization or religious institution.

B. Disposable Plastic Checkout Bags Pass-Through Charge

1. Retail Establishments shall collect from Customers requesting Disposable Plastic Checkout Bags a pass-through charge of \$0.05 per Disposable Plastic Checkout Bag at the time of purchase at the check-out counter.
2. Retail Establishments shall indicate on the customer’s transaction receipt the number of Disposable Plastic Checkout Bags, if any, provided and the total amount of the pass-through charge.

3. The amount of the charge for Disposable Plastic Checkout Bags shall be prominently posted at each point of sale.

C. Right of Customers to Use Their Own Checkout Bags

1. Customers of a Retail Establishment shall be permitted to refuse a Disposable Plastic Checkout Bag provided by the Retail Establishment and shall be permitted to bring and use their own Checkout Bags.
2. Retail Establishments shall not provide nor require customers to use or pay for a Disposable Plastic Checkout Bag provided by the Retail Establishment unless the customer specifically requests same.

D. Violations and penalties

1. A separate offense shall be committed for each Disposable Plastic Checkout Bag provided to a customer by a Retail Establishment unless specifically requested by the customer or for which a pass-through charge is not collected in violation of this section.
2. For each violation of this section, a Retail Establishment shall be subject to a minimum fine of \$100.00 and a maximum fine not exceeding \$250.00.

Section 2. Severability

If any sentence, section, clause or other portion of this Ordinance, or the application thereof to any person or circumstance, shall for any reason be adjudged by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or repeal the remainder of this Ordinance.

Section 3. Inconsistency

All ordinances or parts thereof, inconsistent with the provisions hereof, are hereby repealed to the extent of such inconsistency.

Section 4. Effective Date

This Ordinance shall take effect one (1) year following passage and publication as required by law.