



**Township Council**

c/o Township Clerk  
Teaneck, NJ 07666

Meeting: 01/19/21 08:00 PM

Department: Township Clerk

Category: Amend

DOC ID: 6347

**ORDINANCE (ID # 6347)**

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**Ordinance No. 1-2021 AN ORDINANCE REPEALING ORDINANCE NO. 18-2017 ENTITLED “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 #1-2021 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 REPEALING ORDINANCE NO. 18-2017 ENTITLED “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 #1-2021 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:**

01/05/21          Township Council          INTRODUCED

**COMMENTS - Current Meeting:**

Councilman Kaplan explained the purpose of this ordinance repeal.

<b>RESULT:</b>	<b>ADOPTED BY CONSENT VOTE [UNANIMOUS]</b>
<b>MOVER:</b>	Keith Kaplan, Councilman
<b>SECONDER:</b>	Mark J. Schwartz, Deputy Mayor
<b>AYES:</b>	Katz, Schwartz, Orgen, Dunleavy, Rice, Kaplan, Pagan

TOWNSHIP OF TEANECK  
BERGEN COUNTY, NJ

**ORDINANCE NO. 1-2021 AN ORDINANCE REPEALING ORDINANCE NO. 18-2017 ENTITLED “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 #1-2021 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, in July, 2017, the Township Council adopted Ordinance 18-2017 entitled “An Ordinance Requiring Retail Establishments within the Township of Teaneck to Collect a Pass-Through Charge from Customers Requesting Disposable Plastic Checkout Bags,” which took effect on July 6, 2018; and

WHEREAS, on November 4, 2020, Governor Murphy signed into law P.L. 2020, c.117, entitled “An Act concerning single-use plastic carryout bags, single-use paper carryout bags, polystyrene foam food service products, and single-use plastic straws, supplementing Title 13 of the Revised Statutes, and amending P.L.2002, c.128;” and

WHEREAS, said Act prohibits the provision or sale of single-use plastic carryout bags, single-use paper carryout bags, and polystyrene foam food service products; limits provision of single-use plastic straws; and appropriates moneys from Clean Communities Program Fund for public education; and

WHEREAS, said Act provides, in part, that:

“a. Beginning 18 months after the effective date of P.L. 2020, c. 117:

(1) no store or food service business shall provide or sell a single-use plastic carryout bag to a customer; and

(2) no grocery store shall provide or sell a single-use paper carryout bag to a customer.

b. A municipality or county shall not adopt any rule, regulation, code, or ordinance concerning the regulation or prohibition of single-use plastic carryout bags or single-use paper carryout bags after the effective date of P.L. 2020, c. 117.

c. Beginning 18 months after the effective date of P.L. 2020, c. 117, this section shall supersede and preempt any municipal or county rule, regulation, code, or ordinance concerning the regulation or prohibition of single-use plastic carryout bags or single-use paper carryout bags that was enacted prior to the effective date of P.L. 2020, c. 117.”

WHEREAS, the Township of Teaneck adopted Ordinance No. 18-2017 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; and

WHEREAS, as a result of the adoption of P.L. 2020, c. 117, Ordinance 18-2017 has been preempted and superseded;

NOW, THEREFORE, BE IT ORDAINED by the Township Council of the Township of Teaneck, Bergen County, New Jersey, as follows:

Section 1. Section 26-31, Disposable Plastic Checkout Bags, of Chapter 26, Offenses-Miscellaneous, of the Code of the Township of Teaneck, as enacted pursuant to Ordinance No. 18-2017, is hereby repealed.

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 twenty (20) days following passage and publication as required by law.

ATTEST:

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Doug Ruccione, R.M.C.  
Township Clerk

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Dr. James Dunleavy,  
Mayor