

ORDINANCE 2018-06

A REINTRODUCTION OF ORDINANCE 2018-06 AS AMENDED AN ORDINANCE ENTITLED, "CODE OF THE TOWNSHIP OF STAFFORD, COUNTY OF OCEAN, STATE OF NEW JERSEY (1984)," AS THE SAME PERTAINS TO THE CREATION OF A NEW CHAPTER 136-7.1 REGULATING AND LIMITING THE USE OF PLASTIC BAGS BY BUSINESSES AND ADVERTISERS IN THE TOWNSHIP

WHEREAS, the Mayor and Council of the Township of Stafford ("Township") believes it has a duty to investigate and implement any and all necessary and proper steps the Township can take to protect the environment and the public health, welfare, and safety; and

WHEREAS, according to the United States Environmental Protection Agency ("EPA") in 2016, as many as 1 trillion plastic bags are used worldwide each year and an estimated less than 5% of that plastic is recycled; and

WHEREAS; many of the plastic bags previously recycled by shipping to China have been banned and will no longer be accepted by China as of January 1, 2018 as China no longer considers plastic bags recyclable. Resulting in over 4,000 shipping containers every day no longer able to be shipped out of the country; and

WHEREAS, in the United States alone, according to the EPA Much of the plastic ever made still exists. Worldwide, as many as one trillion plastic bags are used each year and less than 5 percent of plastic is recycled. In the United States, according to the EPA, we use over 380 billion plastic bags and wraps yearly, requiring 12 million barrels of oil to create. According to the World-watch Institute we consume over 60,000 plastic bags in the US every five seconds. According to the EPA, the equivalent of nine barrels of oil is saved when we recycle one ton of plastic bags; and

WHEREAS, according to National Geographic, across the globe, people throw away roughly 4 million tons of trash **every day**, enough to fill 350,000 garbage trucks or 10 Empire State Buildings and approximately 12.8% of that waste is plastic; and

WHEREAS, the equivalent of one garbage truck worth of plastic is dumped into the ocean every minute, according to a 2016 report by the World Economic Forum and Ellen MacArthur Foundation. We could live in a world with more pounds of plastic in the ocean than fish by 2050; and

WHEREAS, no body of water, waterway, beach, or shoreline is unaffected by this pollution, as ocean currents and waterways that flow into the oceans can transport plastic waste tossed into the water from the Township's shoreline to Australia and vice versa; and

WHEREAS, according to National Geographic, seabirds, fish, and other marine and land-based animals mistake plastic for food, while others can become entangled in the trash, leading to exhaustion, starvation, and eventual death; and

WHEREAS, studies have demonstrated that over decades of sunlight and pounding waves, plastic breaks down into micro-plastics is the possible leaching of this material into our groundwater/aquifer impacting our drinking water. This is a petrochemical and a known contaminate to drinking water once it starts to breakdown. The micro-plastics that measure 5 millimeters or less, which are ingested by shrimp, plankton, fish, birds, turtles, and other sea animals, these Micro-plastics eventually break down into Nano-plastics which enter the flesh of fish and our food chain, the effects of which to the ecosystem and food chain are not yet clear; and

WHEREAS, it is beyond dispute that the use of single-use, plastic carryout bags has a severe and negative environmental impact on the local and global

environment as a result of the greenhouse gas emissions emitted to produce such bags, the land-based and ocean-based pollution created, the hazards posed to wildlife, the blocking of storm drains by plastic, the hazards posed to sources of water for humans, and the negative impact on the ecosystem and food chain as a whole; and

WHEREAS, despite recycling requirements, growing public awareness, the work of non-profits, and voluntary attempts to control pollution from the single-use, plastic carryout bags, very few single-use carryout bags are actually recycled (as some estimates are as low as 1%); and

WHEREAS, at present, there is no widespread acceptance or use of biodegradable and environmentally safe plastic bags in the marketplace and it is unclear that such bags would prevent all of the negative impacts documented herein; and

WHEREAS, from an environmental, economic, public health, welfare, and safety, as well as survival perspective, the best available alternatives to plastic, single-use carryout bags are to shift to reusable bags for shopping and/or the use of recycled paper bags for shopping; and

WHEREAS, the Mayor and Council seeks, to the fullest extent of its jurisdiction and authority, to conserve resources, reduce greenhouse gas emissions, reduce waste and litter, and to protect the public health, welfare, and safety, which includes the protection of the environment, waterways, and wildlife, scenic impacts and potential clogging of storm drain inlets which may impact flooding during storm events and in order to attempt to protect and increase the quality of life for the Township's residents and visitors; and

WHEREAS, the Township's taxpayers currently bear the costs associated with the negative effects of plastic, single-use carryout bags on the solid waste stream, drainage systems, litter, and the negative consequences of the foregoing environmental impacts; and

WHEREAS, the evidence supports the conclusion that the vast majority of single-use, plastic carryout bags are used for the bagging and carryout of products purchased from businesses, as such businesses are defined in this ordinance, along with distribution of advertisements to homes and businesses not utilizing established postal delivery or mailboxes; and

WHEREAS, studies document and participating municipalities report that prohibiting the free distribution of single-use, plastic carryout bags at businesses will dramatically reduce the use of those type of bags; and

WHEREAS; studies performed by the United Nations Environmental Programs (UNEP) determined that plastics pollution costs the world over \$13 billion in global damages.

WHEREAS, as a coastal community Stafford township maintains a strong responsibility in protecting its lakes, bay and ocean ecosystems, and the recreational, commercial, and associated businesses associated with the overall health of our ocean, Bay and environment; and

WHEREAS, based upon the foregoing, the Mayor and Council has concluded that residents and visitors should use reusable bags and that a prohibition on the distribution of single-use, plastic carry out bags by businesses is appropriate and will incentivize the use of reusable and recycled bags at businesses; and

WHEREAS, based upon the foregoing, the Mayor and Council has further concluded that it is unquestionably in the best interests of the health, safety, and welfare of the residents and visitors of the Township to reduce the cost of waste disposal and to protect the environment, wildlife, and natural resources by

reducing the distribution of single-use, plastic carryout bags and incentivizing the use of reusable bags at business.

NOW THEREFORE, BE IT ORDAINED by the Mayor and Council of the Township of Stafford, Ocean County, State of New Jersey, in accordance with the aforesaid Recitals, which are incorporated herein by reference, that:

STATEMENT OF PURPOSE

The purpose of this Ordinance is to create Chapter 136-7.1 which adopts regulations relating to and limiting the use of plastic bags by businesses in the Township, and encouraging the use of reusable canvas bags. The regulations are intended as necessary and proper steps by the Township to address a significant global problem relating to the sale and use of plastic bags, to further incentivize the use of reusable bags at businesses, and, ultimately, to protect the environment, wildlife, and the public health, welfare, and safety. Stafford Township will amend and or supplement our code in the following manner

SECTION I

SINGLE-USE, PLASTIC BAGS

Definitions.

The following words, phrases and terms as used in this chapter are hereby defined for the purpose thereof as follows.

BUSINESS OR STORE

For the purposes of this Chapter, any retail establishment that engages in the retail, distribution, or 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

Any establishment which serves made-to-order food for dine-in, takeout, or delivery.

GARMENT BAG

A large, zippered bag incorporating a hanger on which garments may be hung to prevent wrinkling during travel or storage and used to protect and transport clothing or other textiles.

GOODS AND PRODUCTS

Things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold or distributed by businesses and stores.

PRODUCE BAG OR PRODUCT BAG

Any bag without handles that is used exclusively to segregate produce, meats, other food items, and merchandise to the point of

sale inside a store or to prevent such items from coming into direct contact with other purchased items, where such contact could damage or contaminate other food or merchandise when placed together in a reusable or recycled bag.

RETAIL

The sale or distribution of goods and products for use and/or consumption.

REUSABLE BAG

A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

SINGLE-USE, PLASTIC CARRYOUT BAG

A bag, sheet, or receptacle produced or manufactured from material commonly known as "plastic" or "polyethylene" provided at the check-out stand, cash register, point of sale, or other point of departure or point of distribution for the purpose of transporting goods or products out of the establishment or distribution to the public. The term single-use, plastic carryout bag does not include reusable bags, produce bags, product bags, or garment bags.

Regulation of Single-Use, Plastic Carryout Bags.

No business or store shall provide any single-use, plastic carryout bags to a customer at the check stand, cash register, point of sale, or other point of departure or point of distribution for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter.

Exception.

Bags used for medical purposes.
Bags for: Produce, meat/fish/poultry, frozen foods, flowers, deli, etc.
Bags used by pet stores for selling live fish.
Dry cleaner bags, door hanger bags.
Plastic bags sold in packages (garbage liners, pet waste, etc.)
Customers using food assistance programs.
Plastic Bags used to deliver newspapers
Retailers may use up existing supplies, up to 120 days after final passage.

Violations and Penalties.

A violation of this Chapter shall be punishable. Any person guilty of violating a provision of this article shall be liable for a fine of not less than 5 dollars and not more than \$500.00 for each day of such violation

SECTION II

All ordinances, or parts of ordinances, inconsistent with this ordinance are hereby repealed to the extent of such inconsistency.

SECTION III

If any word, phrase, clause, section, or provision of this ordinance shall be found by any Court of competent jurisdiction to be unenforceable, illegal, or

unconstitutional, such word, phrase, clause, section, or provision shall be severable from the balance of the ordinance and the remainder of the ordinance shall remain in full force and effect.

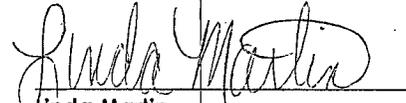
Effective date.

This ordinance shall take effect after final adoption and publication as required by law.

NOTICE

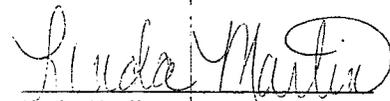
Public Notice is hereby given that the foregoing Ordinance was introduced and passed on the first reading at a regular meeting of the Mayor and Council of the Township of Stafford, County of Ocean, State of New Jersey, held on **Tuesday, June 26, 2018 at 7:00 p.m.**

Further public notice is hereby given that said ordinance shall be considered for final passage and adoption at a regular meeting of the Mayor and Council to be held on **Tuesday, July 17, 2018 at 7:00 p.m.**


Linda Martin
Municipal Clerk

CERTIFICATION

I, **Linda Martin**, Municipal Clerk for the Township of Stafford do hereby certify that the foregoing **Ordinance 2018-06** was duly adopted by the Mayor and Council at their meeting held on July 17th, 2018


Linda Martin
Municipal Clerk