

CITY OF BRIGANTINE

ORDINANCE __-2018

**AN ORDINANCE AMENDING AND SUPPLEMENTING CHAPTER 210 OF THE
CODE OF THE CITY OF BRIGANTINE ENTITLED
"MERCANTILE LICENSES" BY ADDING A NEW ARTICLE V, ENTITLED
"SINGLE-USE BAG REGULATION"**

WHEREAS, the City of Brigantine ("City") is a municipal entity organized and existing under the laws of the State of New Jersey and located in Atlantic County; and

WHEREAS, pursuant to N.J.S.A. 40:48-2, the City Council for the City of Brigantine is authorized to enact and amend ordinances as deemed necessary for the preservation of the public health, safety and welfare and as may be necessary to carry into effect the powers and duties conferred and imposed upon the City by law; and

WHEREAS, single-use carryout bags which are not properly disposed of by the consumer end up as litter on the City's streets, beaches, wetlands and parks and in the ocean and bay, which has a negative effect on the public health, safety and welfare of City residents and visitors; and

WHEREAS, City Council desires to regulate and limit the distribution of single-use carryout bags by commercial establishments doing business within the City, and encourage the use of reusable bags; and

WHEREAS, the regulation of single-use carryout bags is a necessary and proper means of addressing this significant problem.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF BRIGANTINE IN THE COUNTY OF ATLANTIC, STATE OF NEW JERSEY
AS FOLLOWS:**

Section 1. Chapter 210, "Mercantile Businesses" of the Code of the City of Brigantine is hereby supplemented and amended to create Article V, "Single-Use Bag Regulation," which shall read as follows:

§210-1 Definitions.

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

- A. Carryout bag: A plastic bag provided by a commercial establishment at the point of sale for customers to carry their goods and/or products out of the premises.

- B. Commercial Establishment: Any business required to obtain a Mercantile License pursuant to Chapter 210. This includes, but is not limited to, drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, or food marts, that provide carryout bags to consumers in which to place items purchased or obtained at such establishment.
- C. 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, is at least 2.25 mil thick if made from plastic, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.
- D. Single-Use Carryout Bag: Any carryout bag that is not a reusable carryout bag, except that "single-use carryout bag" shall not include any non-handled bag intended to separate and prevent an item from damaging or contaminating another item.

§210-2. Prohibition of Single-Use, Carryout Bag.

It shall be unlawful for any Commercial Establishment to provide single-use carryout bags to any customer or individual for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter.

§210-3. Exceptions to Prohibition.

Single-Use Carryout Bags may be provided by a Commercial Establishment in the following circumstances:

- A. Any single-use carryout bag, which is a maximum of 11 inches by 17 inches, without handles provided for the customer (1) to transport produce, bulk food, meat, or seafood from a produce, bulk food, meat or seafood department within a store to the point of sale; or (2) to hold prescription medication dispensed from a pharmacy.
- B. Any single-use carryout bag provided for the purposes of transporting any live or previously live and now frozen substance used to attract and catch fish and/or crabs.
- C. A 40" Dry Cleaner Poly Garment Bag.

§210-4. Enforcement.

The City Licensing Officer shall have the authority to enforce the provision of this Chapter.

§210-5. Violations and Penalties.

Any person who violates any provision of this article shall be subject to a fine of not less than \$5 dollars and not more than \$500.00 for each individual violation.

Section 2. Any and all Ordinances inconsistent with the terms of this Ordinance are hereby repealed to the extent of any such inconsistencies.

Section 3. 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 City Council 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 City to meet the goals of the Ordinance.

Section 4. This Ordinance shall take effect after final adoption and publication in accordance with law. Enforcement of this Ordinance shall begin June 1, 2019.