



XBOROUGH OF HIGHLANDS
COUNTY OF MONMOUTH

Ordinance O-20-09

An Ordinance Amending Chapter 23 of the Borough Code Concerning Uniform Packaging Practices

WHEREAS, the Borough previously codified outdated Uniform Packaging Practices at Chapter 23 of the Borough Code; and

WHEREAS, the governing body of the Borough of Highlands has determined that it is in the best interest of the residents to amend and update the Uniform Packaging Practices provisions to preserve the public health, safety and welfare.

NOW, THEREFORE, BE IT ORDAINED by the governing body of the Borough of Highlands as follows:

SECTION I.

Chapter 23 of the Borough Code entitled "Uniform Packaging Practices" shall be amended as follows: (All additions are shown in ***bold italics with underlines***. The deletions are shown as ***strikeovers in bold italics.***)

CHAPTER XXIII UNIFORM PACKAGING PRACTICES

23-1 FINDINGS.

The mayor and council of the Borough of Highlands finds that discarded polystyrene packaging and commercial plastic carry away bags constitute a large portion of the floatable waste that washes up on the borough's shores and river banks, and are a threat to the fragile balance of the shore and inland waterway ecosystems.

There are sufficient available substitutes for the packaging of products so that the ban of the offensive packaging will not unduly impact upon the orderly operation of business in the Borough of Highlands;

Therefore, the use of plastics and polystyrene takeout packaging and bags, in both government and commercial establishments, as defined herein, within the Borough of Highlands, is banned.

23-2 DEFINITIONS.

~~—a.—Chlorofluorocarbon (CFC) shall mean the family of substances containing carbon, fluoride and chlorine, having no hydrogen atoms and no double bonds.~~

~~—b.—CFC processed takeout packaging shall mean takeout food packaging which uses chlorofluorocarbons as blowing agents in its manufacture.~~

~~— c. — Person/anyone shall mean any natural person, firm, corporation, partnership, or other organization or group however organized.~~

~~— d. — Takeout food shall mean prepared food or beverages requiring no further preparation to be consumed, which are normally consumed within one hour of purchase, and which are purchased in order to be consumed off vendor's premises.~~

~~— e. — Takeout food packaging shall mean all bags, sacks, wrapping containers, bowls, plates, trays, cartons, cups and lids on which or in which food or beverages are placed or packages used on the takeout food vendor's premises which are not intended for reuse. "Takeout food packaging" does not include forks, knives, straws or single-service condiment packages.~~

~~— f. — Biodegradable packaging shall mean all packaging of cellulose-based or other substances that are capable of being readily attached, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into carbonaceous solid material or water and carbon dioxide.~~

Business or Store shall mean any retail establishment that engages in the retail sale of goods and products. This definition includes, but is not limited to, pharmacies, supermarkets, grocery stores, convenience stores, clothing stores, surf shops, dry cleaners, food marts, and food service establishments.

Goods and Products shall mean things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, prepared food, foodstuffs, meat, dairy, beverages, merchandise, books, jewelry, alcohol, tobacco products, toys, and any and all other things and items sold at retail by businesses and stores.

Produce Bag or Product Bag shall mean 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 shall mean the sale of goods and products for use and/or consumption.

Reusable Bag shall mean a bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from material that can be cleaned and disinfected regularly, is at least 2.25 mm thick if made from plastic, has a minimum lifetime of 75 uses, and is capable of carrying a minimum of 18 pounds.

Single-use, Plastic Carryout Bag shall mean 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 for the purpose of transporting goods or products out of the establishment. The term Single-use, Plastic Carryout Bag does not include Reusable Bags, Produce Bags, or garment bags.

23-3 PROHIBITION.

~~— a. — No retail establishment located and doing business within the Borough of Highlands shall sell or convey any product directly to a retail purchaser or consumer, unless such product is placed, wrapped or packed in biodegradable packaging at the conclusion of a sales transaction for the purchase of such food, which sale takes place on the premises of such retail establishments and prior to removal of such product from the premises of such retail establishment.~~

~~— b. — No retail food establishment located and doing business within the Borough of Highlands shall sell, give, or provide eating utensils or containers or cups or plates of polystyrene or polyvinyl chloride or chlorofluorocarbon.~~

a. No business or store shall provide any Single-use, Plastic Carryout Bags, polystyrene foam containers, plastic straws or plastic utensils to a customer at the check stand, cash register, point of sale, or other point of departure for the purpose of transporting products or goods out of the business or store, except as otherwise provided in this Chapter.

b. No persons shall possess a balloon on any beach located in the Borough. No person shall release a balloon into the atmosphere from any beach located in the Borough.

23-4 EXEMPTIONS.

~~— a. — Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruits and vegetable produce, baked goods or bread.~~

~~— b. — Any food packaging used at hospitals or nursing homes.~~

~~— c. — Any paper or other cellulose based packaging that is coated with polyethylene plastic on only one side.~~

~~— d. — Any plastic covers, covering material, food containers, lids, eating utensils, or straws that are not made of polystyrene or polyvinyl chloride.~~

Upon the specific request of any customer, a business or store may provide said customer with plastic utensils. It shall be a violation of this Chapter for any business or store to offer plastic utensils unless requested by the customer. Additionally, this Chapter should not be read as prohibiting cups or containers which may be utilized for more than a single serving.

23-5 PENALTIES.

~~— Violation of this chapter shall constitute a civil violation punishable by a civil penalty of not more than five hundred (\$500.00) dollars for each violation to be assessed in the municipal court of Highlands.~~

Any business in the case of a violation of section 23-3(a) or person in the case of a violation of section 23-3(b) found guilty of violating said provisions of this Chapter shall be subject to the following penalty schedule:

a. First offense: a fine not to exceed \$100.

b. Second offense: a fine not to exceed \$500.

c. Third and subsequent offenses: a fine not to exceed \$1,250.

~~23-6 DOCUMENTATION REQUIRED.~~

~~—Each retail vendor shall obtain from each of its suppliers a written statement signed by the supplier stating that the supplier will supply no CFC-processed takeout food packaging to that vendor, that the packaging covered by the invoice is not CFC-processed, and the identity of the packaging manufacturer.~~

SECTION II. SEVERABILITY. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance, which shall otherwise remain in full force and effect.

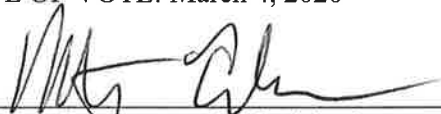
SECTION III. REPEALER. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION IV. EFFECTIVE DATE. This Ordinance shall take effect on January 1, 2021.

Introduction and Set Public Hearing Date

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN			X			
VALKOS	X		X			
BROULLON		X	X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.
DATE OF VOTE: March 4, 2020


Matthew Conlon, RMC, Municipal Clerk



Public Hearing and Final Adoption

	INTRODUCED	SECOND	AYE	NAY	ABSTAIN	ABSENT
BRASWELL			X			
MAZZOLA			X			
RYAN		X	X			
VALKOS			X			
BROULLON	X		X			

This is a Certified True copy of the Original Resolution on file in the Municipal Clerk's Office.
 DATE OF VOTE: March 18, 2020


 Matthew Conlon, RMC, Municipal Clerk

