

ORDINANCE NO. 04-2020
AN ORDINANCE AMENDING CHAPTER 150
PASTIC BAGS, PLASTIC UTENSILS, FOOD CONTAINERS, BALLOONS AND
PLASTIC STRAW REGULATIONS
OF THE CODE OF THE BOROUGH OF SEA BRIGHT

WHEREAS, the Mayor and Council adopted Ordinance No. 23-2019 on December 17, 2019 which created regulations within the Borough at Chapter 150 of its General Ordinances over the use of plastic bags, plastic utensils, food containers, balloons and plastic straws;

WHEREAS, the Mayor and Council of the Borough of Sea Bright, upon the recommendation of its Green Team following consultation with Clean Ocean Action, wish to further amend the aforesaid ordinance so as to provide further clarity as to its intentions.

NOW, THEREFORE BE IT ORDAINED, by the Mayor and Council of the Borough of Sea Bright that Chapter 150 of the Code of the Borough of Sea Bright shall be further amended as follows:

SECTION ONE: The following amendments to § 150-2, Definitions, of Chapter 150 shall be made:

- 1) A definition for "Bait Bag" shall be added as follows: "A bag provided by a bait shop that is used to bring live and dead bait from the point of sale outside of the retail establishment."
- 2) A definition for "Carryout Bag" shall be added as follows: "Any bag that is provided by a store to a customer at the point of sale to carry food items, goods or other products purchased or provided."
- 3) A definition for "Paper Bag" shall be added as follows: "A carryout bag that is made out of paper. The terms "paper bag" and "paper carryout bag" shall be interchangeable in this ordinance."
- 4) A definition for "Plastic" shall be added as follows: "A synthetic material made from linking monomers through a chemical reaction to create an organic polymer chain that can be molded or extruded at high heat into various solid forms, including material derived from either petroleum or biologically based polymer, such as corn or other plant sources. This shall include anything made from recycled plastic."
- 5) A definition for "Plastic Film" shall be added as follows: "Any non-woven, flexible plastic, including, but not limited to, those made from polyethylene and polystyrene".
- 6) A definition for "Polyethylene" shall be added as follows:
"A flexible synthetic resin made by polymerizing ethylene, chiefly used for plastic bags, food containers, and other packaging."
- 7) A definition for "Polystyrene" shall be added as follows:
"A flexible synthetic resin which is a polymer of styrene, chiefly used for plastic bags, food containers, and other packaging."
- 8) A definition for "Polystyrene Foam" shall be added as follows: "Blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including, but not limited to, fusion of polymer spheres (expandable bead polystyrene), injection molding, foam molding, and extrusion-blow molding (extruded foam polystyrene)."

- 9) A definition for "Polystyrene Foam Container" shall be as follows: "A product made, in whole or in part, of polystyrene foam that is used for selling or providing a food or beverage, and includes, but is not limited to, a food container, plate, hot or cold beverage cup, meat or vegetable packaging, or egg carton."
- 10) The definition of "Reusable Bag" shall be deleted and replaced with the following: "A durable handled bag that is specifically designed and manufactured for multiple reuse and is either (i) made of cloth or other machine washable fabric, or (ii) made of polyester, cotton, or other durable material. The terms "reusable carryout bag" and "reusable bag" shall be interchangeable in this ordinance."
- 11) The definition of "Single Use, Plastic Carry Out Bag" shall be deleted and replaced with the following: "A bag, sheet, or receptacle produced or manufactured from plastic film 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" shall not include reusable bags, produce bags, product bags, or bait bags."
- 12) A definition for "Styrene" shall be added as follows:
"An unsaturated liquid hydrocarbon obtained as a petroleum byproduct which when polymerized is used to make plastics and resins."

SECTION TWO: The existing language of § 150-4, Exceptions, of Chapter 150 shall be recast as subparagraph (A) of § 150-4 and a new subparagraph (B) shall be added to the section which shall read as follows:

"(B) This ordinance shall not be read as applying to bait bags."

SECTION THREE: The existing language of § 150-6, Plastic Balloons, of Chapter 150 shall be deleted and replaced with the following language:

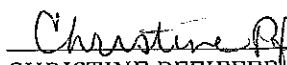
"No person shall possess a plastic balloon anywhere within the Borough. No person shall release a plastic balloon into the atmosphere from any location within the Borough."

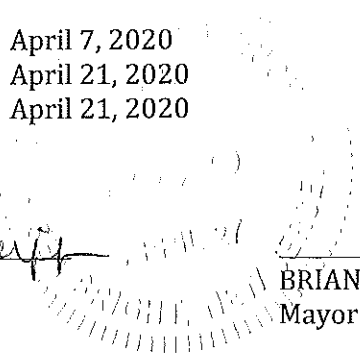
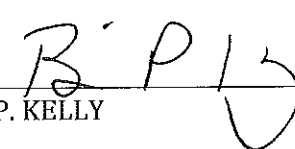
SECTION FOUR: If any section, subsection, paragraph, sentence or other portion of this Ordinance shall be adjudged by a Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this Ordinance.

This ordinance shall take effect upon passage and publication as required by law.

I HEREBY CERTIFY this to be a true and correct Ordinance of the Mayor and Borough Council of the Borough of Sea Bright, introduced on April 7, 2020 and will be further considered after a Public Hearing held on April 21, 2020 at the Municipal Building, 1097 Ocean Avenue, at 7:00 pm.

INTRODUCED : April 7, 2020
PUBLIC HEARING : April 21, 2020
ADOPTED : April 21, 2020


CHRISTINE PFEIFFER
Borough Clerk



BRIAN P. KELLY
Mayor