



Legislation Details (With Text)

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**Title:** AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE VIII BUSINESSES AND OCCUPATIONS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADDING A NEW CHAPTER 36 ENTITLED USE OF PLASTIC BAGS PROHIBITED.  
 Deferred 6PSF-g 080719  
 Deferred 6PSF-c 090519  
 Deferred 6PSF-b 091819  
 Deferred 6PSF-b 100219  
 Deferred 6PSF-b 101619  
 Deferred 6PSF-b 110719  
 Failed 6PSF-b 111819

**Sponsors:**

**Indexes:**

**Code sections:**

Date	Ver.	Action By	Action	Result
12/4/2019	1	Municipal Council	Tabled	Pass
11/18/2019	1	Municipal Council	closed on public hearing and adopted	Fail
11/7/2019	1	Municipal Council	maintained on public hearing and deferred	Pass
10/16/2019	1	Municipal Council	maintained on public hearing and deferred	Pass
10/2/2019	1	Municipal Council	maintained on public hearing and deferred	Pass
9/18/2019	1	Municipal Council	maintained on public hearing and deferred	Pass
9/5/2019	1	Municipal Council	maintained on public hearing and deferred	Pass
8/7/2019	1	Municipal Council	maintained on public hearing and deferred	Pass
7/10/2019	1	Municipal Council	Adopted on First Reading	Pass
6/18/2019	1	Municipal Council	advanced to first reading	Pass

**AN ORDINANCE TO AMEND AND SUPPLEMENT TITLE VIII BUSINESSES AND OCCUPATIONS OF THE REVISED GENERAL ORDINANCES OF THE CITY OF NEWARK, NEW JERSEY, 2000, AS AMENDED AND SUPPLEMENTED, BY ADDING A NEW CHAPTER 36 ENTITLED USE OF PLASTIC BAGS PROHIBITED.**

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**WHEREAS**, single-use checkout bags create significant litter problems in Newark neighborhoods and also litter parks and sewer systems; and

**WHEREAS**, the broad use of single-use carryout bags and their disposal creates an impediment to achievement of Newark's environmental goals; and

**WHEREAS**, the production and disposal of single-use checkout bags has significant environmental impacts including the contamination of the environment, the depletion of natural resources, use of non-renewable polluting fossil fuels and the increased clean-up and disposal costs; and

**WHEREAS**, of all single-use carryout bags, plastic carryout bags have the greatest impact on litter and marine life; and

**WHEREAS**, the reduction in the use of disposable plastic carryout bags help to protect the marine environment, advance solid waste reduction, reduce greenhouse gas emissions and keep waterways clean; and

**WHEREAS**, studies document that banning plastic carryout bags will dramatically reduce the use of plastics bags and increase customers' use of reusable bags; and

**WHEREAS**, the Municipal Council finds that the reduction in the use of disposable plastic carryout bags by retail establishments in the City of Newark is a public benefit; and

**WHEREAS**, the Municipal Council desires to reduce the number of disposable plastic carryout bags that are being used, discarded and littered and to promote the use of reusable carryout bags and recyclable paper bags by retail establishments located within the City of Newark.

**NOW, THEREFORE, BE IT ORDAINED BY THE MUNICIPAL COUNCIL OF THE CITY OF NEWARK, NEW JERSEY, THAT:**

**Note: Additions are shown in bold and underlined.**

**SECTION 1. Title VIII entitled Businesses and Occupations, is hereby supplemented and amended by adding a new Chapter 36 entitled Use of Plastic Bags Prohibited:**

**8:36-1 Use of Plastic Bags Prohibited**

**8:36-1.1 Definitions.**

**“Carryout Bag” shall mean a bag provided by a retail establishment to a customer at the point of sale but shall not include:**

**a. Bags, whether plastic or not, in which loose produce or products are placed by a consumer to deliver such items to the point of sale or check-out area of a retail**

establishment;

- b. Laundry or dry-cleaning bags;
- c. Newspaper bags;
- d. Bags used to contain or wrap frozen foods, meat, fish, or other items, whether prepackaged or not, to prevent or contain moisture;
- e. Bags provided by pharmacists to contain prescription drugs; or
- f. Bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags.

“Disposable Plastic Carryout Bag” shall mean a bag, made of plastic, which is not a reusable bag.

“Food Service Establishment” shall mean any establishment which serves made-to-order food or beverages for dine-in, take-out or delivery, but not including food trucks and mobile food carts.

“Recyclable” shall mean material that can be sorted, cleansed, and reconstituted using City of Newark’s available recycling collection programs for the purpose of using the altered form in the manufacture of a new product. “Recycling” does not include burning, incinerating, converting, or otherwise thermally destroying solid waste.

“Recyclable Paper Bag” shall mean a paper bag that is 100% recyclable and contains at least 40% post-consumer recycled content and displays the words “Recyclable” and “made from 40% post-consumer recycled content” in a visible manner on the outside of the bag.

“Retail Establishment” shall mean any commercial enterprise, whether or not operated for profit, including, but not limited to, mercantile establishments, department stores, food service establishments, restaurants, pharmacies, convenience and grocery stores, liquor stores, supermarkets, clothing stores, seasonal and temporary businesses, jewelry stores, and stores which sell household goods, or any other commercial establishment not specifically identified herein, which utilizes disposable plastic carryout bags for the conveyance of merchandise, but excluding bazaars or special events operated by a nonprofit organization or religious institution.

“Reusable Bag” shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and is either made from polyester, polypropylene, cotton or other durable material or plastic which is at least 2.25 mils in thickness and meets the following criteria:

- a. Has a minimum lifetime capability of 125 or more uses carrying 22 or more pounds over a distance of at least 175 feet; and
- b. Is capable of being washed so as to be cleaned and disinfected multiple times.

**8:36-2      Use of reusable and recyclable carryout bags mandatory.**

All Retail Establishments shall provide customers with only Reusable Bags and/or Recyclable Paper Bags. No Retail Establishment shall provide any single-use, plastic carryout bags to a customer at the checkout 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.

Nothing in this Section shall be read to preclude Retail Establishments from making Reusable Bags available for sale to customers or from customers using their own Reusable Bags.

**8:36-3**      **Penalty**

Violations of this Section by any Retail Establishment shall be punishable by a fine of at least Two Hundred Fifty Dollars and Zero Cents (\$250.00) but not exceeding One Thousand Dollars and Zero Cents (\$1,000.00). Each day's violation of this Chapter shall constitute a separate offense.

**8:36-4**      **Severability**

If any provision of this Ordinance or application thereof to any person(s) or circumstance is judged invalid by a court of competent jurisdiction, the invalidity shall not affect other provisions or applications of the Ordinance that can be given effect without the invalidated provision or application, and to this end the provisions of this Ordinance are declared severable.

**8:36-5**      **Exemptions**

Items required to be sold or delivered in plastic bags in compliance with state and federal food safety and disposal laws are exempt from the provisions of this Article.

**SECTION 2.:** This Ordinance shall take effect six (6) months following passage and publication in accordance with the laws of the State of New Jersey.

**STATEMENT**

**This Ordinance amends Title VIII, entitled, "Business and Occupations," of the Revised General Ordinances of the City of Newark, New Jersey, 2000, as amended and supplemented, by adding a new Chapter 36, entitled "Use of Plastic Bags Prohibited."**