



Asbury Park, New Jersey
ORDINANCE NO. 2024-9

**ORDINANCE AMENDING SECTION 20-3, ENTITLED “PLASTIC BAGS,” OF
CHAPTER 20, “ENVIRONMENTAL REGULATIONS,” OF “THE CODE OF THE
CITY OF ASBURY PARK.”**

WHEREAS, the City of Asbury Park (the “City”) previously established Section 20-3, entitled “Plastic Bags,” of Chapter 20, “Environmental Regulations,” of “The Code of the City of Asbury Park” (also referenced as the “City Code”); and

WHEREAS, the Mayor and Council wish to revise Section 20-3 of the City Code in accordance with the provisions set forth herein.

NOW, THEREFORE, BE AND IT IS HEREBY ORDAINED, by the Mayor and Council of the City of Asbury Park, in the County of Monmouth and State of New Jersey, that Section 20-3, entitled “Plastic Bags,” of Chapter 20, “Environmental Regulations” of “The Code of the City of Asbury Park,” is hereby amended and supplemented as follows (additions are shown with underline; deletions are shown with ~~strikethrough~~):

Chapter 20. Environmental Regulations

§20-3. PLASTIC BAGS

§20-3.1. Purpose.

It is hereby determined and declared to be the public policy of the City of Asbury Park to address a significant global problem relating to the production and use of single-use plastic carryout bags and the adverse effects emanating directly therefrom. Specifically, the intent of this section is to reduce the use of single-use plastic carryout bags, and to promote the use of reusable carryout bags in order to reduce litter, to reduce harm to humans, wildlife and the environment, to protect our parks and coastal waterways, and to protect the health, safety and welfare of the general public.

§ 20-3.2. Definitions.

As used in this section:

CARRYOUT BAG

A Shall mean a bag that is: (1) provided by a covered store to a customer at the point of sale to carry food items, goods or other products purchased from such store; or (2) provided by a street vendor to a customer at the point of sale to carry food items or

goods/products purchased from such street vendor. Such term shall not include reusable carryout bags or exempt bags.

CITY

Shall mean ~~T~~the City of Asbury Park, in Monmouth County, New Jersey.

CITY MANAGER

Shall mean ~~T~~the City Manager of the City of Asbury Park, or his/her designee(s), authorized to carry out the provisions of this section.

COVERED STORE

Shall mean (i) A food service establishment, and (ii) a retail, wholesale or service establishment engaged in either the sale of personal, consumer or household items, or the provision of services, including but not limited to drug stores, pharmacies, grocery stores, supermarkets, convenience food stores, food marts, hardware stores, liquor stores, clothing stores, jewelry stores, or other retail establishments of any kind, or service establishments of any kind, including but not limited to beauty salons, etc., that provide carryout bags to consumers in which to place items purchased or obtained at such establishment.

EXEMPT BAG

Shall mean ~~A~~any of the following:

- a. Bags without handles to carry produce, meats, dry goods, or other non-prepackaged food items to the point of sale within a covered store to prevent such food items from coming into direct contact with, and/or intended to stop cross-contamination with, other purchased items;
- b. Bags provided by a pharmacy to carry prescription drugs;
- c. Laundry or dry-cleaning bags;
- d. Newspaper bags;
- e. Bags used to contain or wrap ice, frozen foods, meat, fish, or other items, whether prepackaged or not, to prevent or contain moisture;
- f. Bags associated with any purchase related to an individual receiving public assistance, such as the New Jersey State Supplemental Nutritional Assistance Program, the EBT Program, or the New Jersey State Special Supplemental Nutrition Program for women, infants and children (as full or partial payment, fixed income or disability);
- g. Small clear plastic bags of less than four inches in depth that are commonly provided to customers by hardware stores to hold screws and bolts and other small items; or

- h. Any other bag to be exempted from the provisions of this section as determined by the City Manager or his/her designee.

FOOD SERVICE ESTABLISHMENT

Shall mean ~~A~~any establishment located in the City which serves made-to-order food and/or beverages for dine in, take out or delivery, but not including food trucks and mobile food carts.

OPERATOR

~~A~~Shall mean a person in control of, or having responsibility for, the daily operation of a covered store, which may include, but need not be limited to, the owner of the covered store.

REUSABLE CARRYOUT BAG

~~A~~Shall mean a bag with handles that is specifically designed and manufactured for multiple reuse and is either:

- a. Made of cloth or other machine washable fabric;
- b. Made of polyester, polypropylene, cotton, hemp, linen or other ~~durable material~~ ~~or plastic~~ soft cloth that is at least 2.25 mils in thickness; or
- c. Defined as a reusable bag by the City Manager or his/her designee.

SINGLE-USE PAPER CARRYOUT BAG

~~A~~Shall mean a single-use carryout bag that is made of paper.

SINGLE-USE PLASTIC CARRYOUT BAG

Shall mean ~~A~~any carryout bag that is made of plastic and that is not: (1) a single-use paper carryout bag; (2) a reusable carryout bag; or (3) an exempt bag.

STREET VENDOR

Shall mean, ~~F~~for purposes of this section, any person or business peddling, vending, selling, or displaying for sale any merchandise or food that is presented from a mobile or transient setting, including but not limited to a vehicle, truck, food truck, or cart, or from a moveable tent, table, or stand, or otherwise. This term shall include but not be limited to all peddlers, transient merchants and/or other vendors who are licensed under Chapter IV of the City Code, as well as all vendors at farmers markets, street festivals, and other events requiring group or special event permits (per § 4-10 of the City Code), and street performers who have obtained a permit under § 4-15 of the City Code.

§ 20-3.3. Use of Single-Use Plastic Carryout Bags Prohibited.

Effective January 1, 2020, no operator of any covered store or street vendor within the City shall provide any single-use plastic carryout bag to any customer for the purpose of enabling a customer to transport food items, goods or other products out of the covered store or from the point of purchase, except in accordance with the provisions of this section. Nothing in this

section shall be read to preclude operators of covered stores or street vendors from providing single-use paper carryout bags to customers for a fee in accordance with Subsection **20-3.4** of this section or from making reusable carryout bags available for sale to customers. No operator or street vendor shall preclude customers from using their own reusable carryout bags.

§ 20-3.4. Carryout Bag Fee.

- a. Effective January 1, 2020, an operator of a covered store or a street vendor may provide a customer with a single-use paper carryout bag or reusable carryout bag, provided that the operator or street vendor shall impose and collect a minimum fee of \$0.10 for each single-use paper carryout bag or reusable carryout bag provided to the customer. There shall be a maximum fee of \$0.25 charged by any operator or street vendor for each single-use paper carryout bag provided to a customer, but there shall be no maximum fee imposed on an operator or street vendor for each reusable carryout bag provided to a customer. No covered store or street vendor shall be required to charge such fee for an exempt bag. All monies collected under this section shall be retained by the covered store or street vendor. The City recommends that such funds be utilized by covered stores and street vendors to purchase additional single-use paper carryout bags and reusable carryout bags for use by customers and/or to provide outreach and education efforts aimed at educating residents and consumers about reducing the use of single-use plastic carryout bags and increasing the use of reusable carryout bags.
- b. Each operator shall indicate on the sales or other receipt given to the customer the total number of single-use paper carryout bags provided to the customer, and the total fee charged to the customer pursuant to Subsection **a** above. This provision shall not apply to street vendors.
- c. No covered store or street vendor shall charge a carryout bag fee for bags of any kind provided by the customer in lieu of a carryout bag provided by any such covered store or street vendor.
- d. No covered store or street vendor shall charge or prevent a person from using a bag of any kind that they have brought to any such covered store or street vendor for purposes of carrying food items, goods or other products from such store or street vendor.

§ 20-3.5. Outreach and Education.

- a. The City Manager or his/her designee shall establish an outreach and education program aimed at educating residents, covered stores and street vendors on reducing the use of single-use plastic carryout bags and increasing the use of reusable carryout bags.
- b. To the extent practicable, the City Manager or his/her designee shall seek the assistance of private entities and local not-for-profit organizations to provide and distribute reusable carryout bags to residents, and to covered stores and street vendors.

§ 20-3.6. Enforcement.

- a. Any notice of violation issued pursuant to this section shall be returnable in the City's municipal court, which shall have the power to impose penalties as provided herein.
- b. The City Manager shall designate appropriate departments and/or staff to enforce this Section, including but not limited to the Police Department, Public Works Department, and/or Code Enforcement Department.

§ 20-3.7. Penalty.

Any person who is convicted of a violation of this section shall, upon conviction, be liable to the following penalties: for the first offense, there shall be a fine of \$250; for the second offense, there shall be a fine of \$500; and for the third and each subsequent offense, there shall be a fine of \$1,000.

BE IT FURTHER ORDAINED, that all other provisions of Chapter 20 of the City Code which are not referenced in this Ordinance shall remain unaffected/unchanged and remain in full force and effect.

BE IT FURTHER ORDAINED, that all parts and provisions of any Ordinance which are inconsistent with the provisions of this Ordinance shall be repealed to the extent of such inconsistency.

BE IT FURTHER ORDAINED, that the provisions of this Ordinance shall be severable. In the event that any portion of this Ordinance is found to be invalid for any reason by any Court of competent jurisdiction, such judgment shall be limited in its effect only to the portion of the Ordinance actually adjudged invalid and shall not be deemed to affect the operation of any other portion thereof, which shall remain in full force and effect.

BE IT FURTHER ORDAINED, that this Ordinance shall take effect upon final passage and publication in accordance with the law, following the required twenty (20) day period after adoption, as set forth in N.J.S.A. 40:69A-181(b).

I, LISA ESPOSITO, City Clerk of the City of Asbury Park, Monmouth County, New Jersey, DO HEREBY CERTIFY the foregoing to be a true and exact copy of ORDINANCE NO. 2024-9 which was finally adopted by the City Council at a meeting held on the 24th day of April, 2024



LISA ESPOSITO
CITY CLERK

✓ Vote Record - Ordinance 2024-9							
			Yes/Aye	No/Nay	Abstain	Absent	
<input checked="" type="checkbox"/> Adopted							
<input type="checkbox"/> Adopted as Amended							
<input type="checkbox"/> Defeated							
<input type="checkbox"/> Tabled							
	Angela Ahbez-Anderson	Mover	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	Eileen Chapman	Voter	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

<input type="checkbox"/> Withdrawn	Yvonne Clayton	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<input type="checkbox"/> Introduced	Amy Quinn	Voter	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
	John Moor	Seconder	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>