

**TOWNSHIP OF CRANFORD
CRANFORD, NEW JERSEY**

ORDINANCE 2019-10

**AN ORDINANCE TO AMEND THE CODE OF THE TOWNSHIP OF CRANFORD,
PART II GENERAL LEGISLATION**

WHEREAS, the Township Committee in cooperation with the Township’s Green Team, an extension of the Cranford Environmental Commission, is committed to promoting, creating and supporting sustainability programs in the community of Cranford; and

WHEREAS, the Township of Cranford is a river community with a heritage as the Venice of Cranford and, as such, the Township has a cultural commitment to a thriving and healthy Rahway River within its jurisdictional boundaries which, in turn, promotes the quality of life and the associated welfare of the Township’s residents; and

WHEREAS, the Township Committee recognizes that the use of particular single-use plastics, including single-use plastic carryout bags, straws, stirrers, carry-out containers, single-use expanded polystyrene (also commonly known as Styrofoam) cups and containers, by merchants and consumers presents significant ecological, environmental and public health hazards and is increasingly creating economic burdens on the Township; and

WHEREAS, disposable plastic bags and other single-use plastics are a detriment to the ecology and quality of the Rahway River, and numerous other waterways; and

WHEREAS, Nos. 1 and 2 plastics are readily recyclable but others like number 3,4,5 and 6 plastics, plastic carryout bags and straws are not or are no longer being accepted by firms that process materials to be recycled; and

WHEREAS, the Township Committee and the Township’s Green Team, an extension of the Cranford Environmental Commission, wish to promote the use of reusable items, such as reusable bags as carry-out bags in the Township of Cranford; and

WHEREAS, several cities and towns in the state, particularly those that also have rivers within their jurisdiction and/or that border New Jersey’s saltwater beaches, have taken action to address the need to reduce the use of disposable single-use plastics from retail establishments such that the Legislature of this State has similar legislation proposed and./or pending; and

WHEREAS, in accordance with N.J.S.A. 40:48-2, a municipality in New Jersey may enact such ordinances “as it may deem necessary and proper for the good government, order and protection of persons and property, and for the preservation of the public health, safety and welfare of the municipality and its inhabitants”; and

NOW, THEREFORE, BE IT ORDAINED by the Township Committee of the Township of Cranford that Part II, General Legislation, Chapter 232 Garbage, Rubbish and Refuse be amended as follows:

SECTION 1: Effective July 1, 2010, **Part II General Legislation, Chapter 232 Garbage, Rubbish and Refuse**, is hereby amended to add a new Article as follows:

ARTICLE V - BAN ON SINGLE-USE PLASTICS.

§ 232-30. Purpose.

The purpose of this article is to preserve public health, safety and welfare by reducing the environmental impact of single use plastics for which there does not exist a significant market to the township’s businesses or residents for recycling.

EXPLANATION – Matter struck through ~~thus~~ in the above Ordinance is not enacted and is intended to be omitted in the law. Matter underlined thus is new matter.

§ 232-31. Definitions.

As used in this article, the following terms shall have the meanings indicated:

CARRY-OUT CONTAINER – any container, including but not limited to lids and beverage cups, provided by a retail establishment to a customer at a point of sale in the Township of Cranford for the purpose of transporting food or beverages.

COMPLIANT CARRY-OUT BAGS – The following bags are compliant carry-out bags:

- A. Paper bags
- B. Reusable bags made of washable material, with stitched handles that are specifically designed and manufactured for multiple reuse. A bag is suitable for multiple reuse if it is machine-washable or is made from a material that can be otherwise cleaned and disinfected.

POLYSTYRENE – 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).

POINT OF SALE – the location where a retail establishment relinquishes legal possession of purchased goods to a customer, regardless of where or how payment for such goods are made.

PLASTIC – any item made predominantly of processed materials, whether derived from petroleum or a biologically-based source, that are mostly thermoplastic or thermosetting polymers, but does not include compliant carry-out bags as defined in this Article.

RETAIL ESTABLISHMENT—any store or commercial establishment that sells products, perishable or otherwise, directly to customers. Retail establishments include, but are not limited to, drug stores, pharmacies, supermarkets, grocery stores, convenience stores, restaurants, fast food establishments, clothing stores and hardware stores.

SINGLE-USE PLASTIC CARRY-OUT BAG – any bag made predominantly of plastic that is provided by an operator of a retail establishment to a customer at the point of sale. The term includes compostable and biodegradable bags but does not include reusable bags, produce bags, or product bags. This definition specifically exempts the following from the category of “Single Use Plastic Carry-out Bag”:

- A. Bags provided by operators and used by consumers inside retail establishments to:
 - (1) package bulk items, such as fruit, vegetables, nuts, grains, candies, or small hardware items;
 - (2) contain or wrap frozen foods, meat or fish whether packaged or not;
 - (3) contain or wrap flowers, potted plants, or other items where dampness may be an issue;
 - (4) contain unwrapped prepared foods or bakery goods; and
 - (5) pharmacy prescription bags;
- B. when being used as such, newspaper bags, door-hanger bags, laundry and/or dry-cleaning bags, or bags sold in packages containing multiple bags intended for use as storage bags, garbage bags, yard waste bags, and pet waste bags.

WIDE DIAMETER PLASTIC STRAW – a plastic beverage straw having a diameter of 6.3mm or greater.

§ 232-32. Transition Period for Single Use Plastics.

As of the effective date of this Ordinance and through June 30, 2020, no retail establishment shall offer customers the following items unless first requested by the customer:

- A. single-use plastic carry-out bags provided at the point of sale;
- B. single-use plastic utensils;
- C. plastic straws or stirrers;

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- D. plastic cup (hot or cold) lids.

§ 232-33. Prohibited Single-Use Items.

Effective July 1, 2020 and unless otherwise subject to an applicable exemption per section 232-35, no retail establishment shall provide, with or without a fee, any single-use:

- A. Polystyrene carry-out containers;
- B. Plastic utensils, except if a customer places an order for food and/or beverage products to be delivered and/or consumed off-premises the retail establishment may ask the customer if plastic utensils are to be included in the delivery and, if the customer answers affirmatively, plastic utensils may then be provided. The retail establishment shall not include plastic utensils with any delivery or off-premises consumption order without the customer's stated request for plastic utensils;
- C. Plastic carry-out containers;
- D. Plastic straws and stirrers;
- E. At the point of sale, plastic carry-out bags.

§ 232-34. Availability and use of compliant carry-out bags.

- A. At points of sale all retail establishments may make available to customers, free or for a fee, compliant carry-out bags. Any fee charged shall be reflected in the sales receipt.
- B. Nothing in this Article V shall prohibit customers from using their own bags of any type to carry purchased goods from retail establishments or from carrying goods without the use of a bag.

§ 232-35. Exemptions.

The following exemptions shall apply to the prohibitions set forth in Sections 232-32 & 232-33:

- A. Any carry-out container capable of being recycled as either No. 1 or No. 2 plastic.
- B. Plastic lids, for both hot and cold cups, at the request of the customer.
- C. Any item approved pursuant to Subsections B.1 or B.2 of this Section:
 - 1) Single Use Plastic Straws. An exemption may be made for wide-diameter plastic straws if the retail establishment demonstrates that:
 - a) it prepares and sells certain beverages that can best be consumed with wide-diameter plastic straws due to the thickness, consistency or other inherent attribute of its beverages, including but not limited to milkshakes, bubble tea, slushies and smoothies; and
 - b) absent a hardship exemption as defined in section 2) below, there would be caused a material impact on the business' revenues if the retail establishment did not have an option to provide wide-diameter plastic straws.
 - 2) Upon a showing of extraordinary circumstances, and for good cause, the Mayor or his/her designee may approve, with the concurrence of the Chair of the Cranford Environmental Commission, an exemption from the requirements of this chapter by any operator of a retail establishment, with or without conditions. If the Chair of the Environmental Commission withholds or denies concurrence on an exemption, the Mayor may seek approval from the Township Committee. Economic hardship alone shall not be a basis for an exemption.

§ 232-36. Enforcement; inspections.

- A. The Department of Health, the Recycling Coordinator, the Property Maintenance Official, the Union County Office of Health Management and the Union County Utilities Authority are hereby individually and severally empowered to enforce the provisions of this article. An

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inspection may consist of, but is not limited to, sorting through containers and opening solid waste bags to detect the presence of any prohibited materials.

- B. Subject to the consent of the Township Committee, the Recycling Coordinator is hereby authorized to develop and implement a program whereby all nonresidential premises are visited and inspected for compliance with this article.

§ 232-37. Violations and penalties. Municipal Recycling Trust Fund.

- A. Any person, corporation, occupant or entity that violates or fails to comply with any provision of this article or any of the rules and regulations promulgated hereunder shall, upon conviction thereof, be punishable by a fine not to exceed \$1,000. Each day on which a violation of this article occurs shall be considered a separate offense.
- B. Fines levied and collected pursuant to the provisions of this article shall be immediately deposited into the Municipal Recycling Trust Fund. Monies in the Municipal Recycling Trust Fund shall be used for the expenses of the Municipal Recycling Program.

SECTION 2. All ordinances or parts of ordinances inconsistent herewith are hereby repealed to the extent of such inconsistency.

SECTION 3. This ordinance shall become effective January 1, 2020.

Introduced:

Adopted:

Approved:

Patrick F. Giblin
Chairman, Township Committee

Attest:

Patricia Donahue, RMC
Municipal Clerk

Recorded Vote

Introduced

Adopted

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