

## City of Lambertville

### **ORDINANCE NUMBER 16-2018**

*An Ordinance to Amend the Lambertville City Code 2014, Chapter XII, Sanitation: Recycling, Amending Section 12-4.5, Recycling by Commercial, Industrial and Institutional Establishments, and Appendix C to include a Ban on Plastics, Styrofoam and Polystyrene Foam Containers in the Sale of All Food Products*

BE IT ORDAINED BY the Governing Body of the City of Lambertville as follows:

Chapter XII, Sanitation: Section 12-4, Recycling Program is hereby amended as follows:

CHAPTER XII, Section 12-4.5, Recycling by Commercial, Industrial and Institutional Establishments to include a ban on the following products for the packaging of food products for sale to the public: plastic bags, Styrofoam and polystyrene foam containers, and plastic straws.

#### INTENT.

The intent of this Ordinance is to adopt regulations relating to and limiting the use of single-use plastic bags, polystyrene foam and Styrofoam containers and plastic straws by businesses in the City of Lambertville. The regulations are intended to assist the City with the elements in the PARIS Accord and in reducing our carbon footprint by promoting products that will protect the environment, wildlife, and the public health and welfare and safety of our community as a whole. The process will be phased in with Phase I as a voluntary opt-in program beginning October 1, 2018, and Phase II will be mandatory beginning on January 1, 2020.

#### DEFINITIONS.

**Business or Store.** For the purpose of this Section, any retail. The definition includes, but is not limited to pharmacies, supermarkets, farmers markets, grocery stores, farmers markets, convenience stores, clothing stores and food service establishments.

**Food Service Establishment.** Any establishment which serves made-to-order food or beverages for dine-in, takeout, or delivery.

**Goods and Products.** Things and items that are prepared and made to be sold, including, but not limited to, clothing, groceries, farmers markets, 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.** 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.

**Recyclable paper carryout bag (preferred, not required).** A paper bag that meets all of the following requirements: (1) contains no old growth fiber; (2) is one hundred percent (100%)

recyclable overall and contains a minimum of forty percent (40%) postconsumer recycled material; (3) is capable of composting, consistent with the timeline and specifications of American Society of Testing and Materials (ASTM) Standard 06400; (4) is accepted for recycling in curbside programs in the City; (5) has printed on the bag the name of the manufacturer, the location where the bag was manufactured, and the percentage of postconsumer recycled material used; and (6) displays the word "Recyclable" in a highly visible manner on the outside of the bag.

Retail. The sale of goods and products for use and/or consumption.

Reusable Bag. A bag that is designed and manufactured to withstand repeated uses over a period of time, is machine washable or made from a material that can be cleaned and disinfected regularly, is at least 2.25 mil 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. 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, or garment bags.

#### REGULATION OF SINGLE-USE, PLASTIC CARRYOUT BAGS.

The regulation of Single-Use Plastic Carryout Bags shall be phased in as follows:

##### PHASE I.

Voluntary: During the first ten months of the program, participation shall be voluntary. Businesses or Stores will be solicited by the Environmental Commission to participate on a voluntary basis. The Environmental Commission shall track progress and work with the Recycling Coordinator to create a tracking mechanism.

All data collected will be used to reinforce and assist with the enactment of Phase II of this program (the required participation).

##### PHASE II.

Required:

No business or store shall provide any single-use, plastic carryout bags, Styrofoam and polystyrene foam container and/or plastic straws to a customer at the check stand, cash register, point of sale, as otherwise provided in this Chapter.

#### PERMITTED

All stores shall provide or make available to a customer recyclable (**preferred, not required**) paper carryout bags or reusable bags"

## EXCEPTIONS.

Plastic straws may be provided to customers upon request.

## VIOLATIONS AND PENALTIES.

A violation of this Chapter shall be punishable as provided in Chapter 1, General Provisions, Section 1-5, General Penalty and shall be enforceable by the Governing Body of the City of Lambertville.

## APPENDIX C

### RECYCLING PROGRAM

Commercial, Industrial and Institutional Establishments – only

Beginning January 1, 2020, all Commercial, Industrial and Institutional Establishments: the following items shall be added to the list titled: NOT RECYCLABLE:

plastic bags, plastic straws, polyethylene products, Styrofoam products for the use of packaging food products for sale to the public.

INTRODUCTION AND FIRST READING: AUGUST 21, 2018

PUBLIC HEARING AND FINAL ADOPTION: SEPTEMBER 17, 2018