

23-1 FINDINGS.

The mayor and council of the Borough of Highlands finds that discarded polystyrene packaging and commercial plastic carry away bags constitute a large portion of the floatable waste that washes up on the borough's shores and river banks, and are a threat to the fragile balance of the shore and inland waterway ecosystems.

There are sufficient available substitutes for the packaging of products so that the ban of the offensive packaging will not unduly impact upon the orderly operation of business in the Borough of Highlands;

Therefore, the use of plastics and polystyrene takeout packaging and bags, in both government and commercial establishments, as defined herein, within the Borough of Highlands, is banned.

(Ord. 0-90-08)

23-2 DEFINITIONS.

- a. *Chlorofluorocarbon (CFC)* shall mean the family of substances containing carbon, fluoride and chlorine, having no hydrogen atoms and no double bond.
- b. *CFC - processed takeout packaging* shall mean takeout food packaging which uses chlorofluorocarbons as blowing agents in its manufacture.
- c. *Person/anyone* shall mean any natural person, firm, corporation, partnership, or other organization or group however organized.
- d. *Takeout food* shall mean prepared food or beverages requiring no further preparation to be consumed, which are normally consumed within one hour of purchase, and which are purchased in order to be consumed off vendor's premises.
- e. *Takeout food packaging* shall mean all bags, sacks, wrapping containers, bowls, plates, trays, cartons, cups and lids on which or in which food or beverages are placed or packages used on the takeout food vendor's premises which are not intended for reuse. "Takeout food packaging" does not include forks, knives, straws or single-service condiment packages.
- f. *Biodegradable packaging* shall mean all packaging of cellulose based or other substances that are capable of being readily attached, decomposed, assimilated, and otherwise completely oxidized or broken down by bacteria or other natural biological organisms into carbonaceous solid material or water and carbon dioxide.

(Ord. 0-90-08, § 1)

23-3 PROHIBITION.

- a. No retail establishment located and doing business within the Borough of Highlands shall sell or convey any product directly to a retail purchaser or consumer, unless such product is placed, wrapped or packed in biodegradable packaging at the conclusion of a sales transaction for the purchase of such food, which sale takes place on the premises of such retail establishments and prior to removal of such product from the premises of such retail establishment.
- b. No retail food establishment located and doing business within the Borough of Highlands shall sell, give, or provide eating utensils or containers or cups or plates of polystyrene or polyvinyl chloride or chlorofluorocarbon.

(Ord. 0-90-08, § 2)

23-4 EXEMPTIONS.

- a. Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruits and vegetable produce, baked goods or bread.
- b. Any food packaging used at hospitals or nursing homes.
- c. Any paper or other cellulose based packaging that is coated with polyethylene plastic on only one side.
- d. Any plastic covers, covering material, food containers, lids, eating utensils, or straws that are not made of polystyrene or polyvinyl chloride.

(Ord. 0-90-08, § 3)

23-5 PENALTIES.

Violation of this chapter shall constitute a civil violation punishable by a civil penalty of not more than five hundred (\$500.00) dollars for each violation to be assessed in the municipal court of Highlands. (Ord. 0-90-08, § 4)

23-6 DOCUMENTATION REQUIRED.

Each retail vendor shall obtain from each of its suppliers a written statement signed by the supplier stating that the supplier will supply no CFC-processed takeout food packaging to that vendor, that the packaging covered by the invoice is not CFC processed, and the identity of the packaging manufacturer. (Ord. 0-90-08, § 5)

***Editor's Note:** Section 6 of Ordinance No. 0-90-08 provides that takeout food packaging required to be purchased under a contract entered into prior to the effective date of this chapter is exempt from the provisions of this chapter.