

BOROUGH OF BRADLEY BEACH, MONMOUTH COUNTY

ORDINANCE 2025-32

ORDINANCE CREATING NEW CHAPTER 386: "SINGLE-USE FOOD SERVICE ITEMS" WITHIN THE BOROUGH'S REVISED GENERAL ORDINANCES TO PROHIBIT DISTRIBUTION OF SINGLE-USE FOOD SERVICE ITEMS BY RESTAURANTS, EXCEPT WHEN REQUESTED BY CUSTOMER(S).

BE IT ORDAINED by the Mayor and Council of the Borough of Bradley Beach, County of Monmouth, State of New Jersey, as follows:

SECTION 1. New Chapter 386: "Single-Use Food Service Items" is hereby created and inserted into the Revised General Ordinances of the Borough of Bradley Beach as follows:

CHAPTER 386: "SINGLE-USE FOOD SERVICE ITEMS"

§ 386-1 Definitions.

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

BEVERAGE SPLASH STICK

A device primarily intended to be used to keep heat and liquid from escaping a lidded cup.

BEVERAGE STIRRER

A device primarily intended for stirring beverages.

CONDIMENT PACK

An individual single-use container, sealed by the manufacturer or restaurant, containing a condiment.

PLASTIC

Any synthetic or semi-synthetic material made from polymers or from renewable or biological sources, including but not limited to vegetable fats and oils, polysaccharides, sugar, or proteins.

RESTAURANT or FOOD SERVICE PROVIDER

Any eating or beverage establishment within the Borough of Bradley Beach which offers for sale food or beverages to the public, guests, members, or patrons, whether consumption occurs on or off the premises or is provided from a food van, pushcart, stand or vehicle.

SINGLE-USE FOOD SERVICE ITEMS

Is interchangeable with "to go" packaging and "food packaging material" and includes, but is not limited to: utensils, napkins, condiment packs, straws, beverage splash sticks, beverage stirrers and other items designed for one-time use (includes single-use plastic and non-plastic items).

§ 386-2 Single-use food service items.

- A. Restaurants shall only provide single-use food service items to customers when explicitly requested by the customer.
- B. Restaurants shall provide options to allow a customer to request single-use food service items upon submission of an order. Such options shall be available for all methods of ordering, including but not limited to phone, internet, or mobile phone application orders. The default selected options shall be that no single-use food service items are requested.
- C. No inquiry into the reason for the request shall be made by a restaurant, third-party food delivery service, or any of its employees in carrying out the request authorized by Subsection a hereinabove.
- D. These restrictions shall not apply to self-service stations within any food provider's premises or within any food or grocery establishment.

§ 386-3 Enforcement; violations and penalties.

- A. Any restaurant violating any provision of this chapter or any rule or regulation adopted pursuant to this title is subject to penalties pursuant to N.J.S.A. 40:49-5, including but not limited to a fine not to exceed \$2,000, pursuant to the schedule set forth in Subsection c. hereinbelow.
- B. The Borough Code Enforcement Office is responsible for enforcement of this Chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- C. A restaurant that violates or fails to comply with any of the requirements of this section shall be issued an initial written warning and shall have thirty (30) days to correct the violation. After an initial written warning notice has been issued, the food provider shall be subject to the following penalties:
 - (1) A fine of \$100 for the first violation;
 - (2) A fine of \$200 for the second violation; or
 - (3) A fine of \$500 for the third and any subsequent violations.
 - (4) A fine shall be imposed for each day a violation occurs or is allowed to continue.

§ 386-4 Effective date.

- A. This chapter shall be effective as of January 1, 2026.
- B. No summonses shall be issued by the Borough, nor shall any penalties be enforced by the Municipal Court, for violations of this chapter, except for any such violation(s) occurring on or after March 1, 2026.

SECTION 2. If any article, section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional or invalid, such decision shall not affect the remaining portions of this Ordinance and they shall remain in full force and effect.

SECTION 3. In the event of any inconsistencies between the provisions of this Ordinance and any prior ordinance of the Borough, the provisions hereof shall be determined to govern. All other parts, portions and provisions of The Revised General Ordinances of the Borough of Bradley Beach are hereby ratified and confirmed, except where inconsistent with the terms hereof.

SECTION 4. This Ordinance shall take effect upon adoption and publication in accordance with the laws of the State of New Jersey.

SO ORDAINED as aforesaid.

Erica Kostyz
Municipal Clerk

Alan Gubitosi
Mayor

Introduced: October 7, 2025

Date of Hearing and Adoption: November 6, 2025