

CODE OF THE CITY OF RAHWAY, NEW JERSEY, v6 Updated 09-30-2004
PART II GENERAL LEGISLATION
Chapter 217, FOOD ESTABLISHMENTS AND VENDORS, RETAIL
ARTICLE II, Uniform Packaging Requirements [Adopted 12-9-1996 by Ord. No. O-53-96]

§ 217-8. Prohibited packaging and utensils.

B. No retail food vendor located within the City of Rahway shall sell, give or provide eating utensils or food containers to any consumer within the City of Rahway if said eating utensil or food container is composed of polystyrene or polyvinyl chloride.

§ 217-9. Exemptions; documentation required.

A. Section 217-8B of this article shall not apply to the following items:

- (1) Any flexible transparent covering for uncooked or raw meat, poultry, raw fish, hard cheese, cold cuts, fruit and vegetable produce, baked goods or bread.
- (2) Any food packaging used at hospitals or nursing homes.
- (3) Any paper or cellulose-based packaging that is coated with polystyrene plastic on one side only; any plastic covers, covering materials, food containers, lids, eating utensils, straws or other materials that are not made of polystyrene or polyvinyl chloride. The enforcing officer or his authorized representative may exempt an item or type of packaging from the requirements of this section, upon a showing that the item or type has no acceptable equivalent and that imposing the requirements on that item or type would cause undo hardship.

B. In order to be considered for such exemption, the vendor shall provide the following documentation:

- (1) A list of suppliers contacted and statements signed by said suppliers listing the items that can be supplied which clearly indicates that the item or type of packaging has no acceptable equivalent or substitute; and/or
- (2) A statement signed by said retail food vendor indicating that he is required to purchase food packaging pursuant to a contract entered into prior to November 1, 1996, and said supplier is unable to supply an item or type that has no acceptable equivalent. Said statement shall be accompanied by a certified copy of the contract in question, and shall indicate the expiration date of said contract.

§ 217-10. Enforcement.

For the purposes of this section, the Director of Health, Welfare and Recreation shall be designated as the enforcing officers. The enforcing officers shall be authorized by the Mayor to designate as many subcode officials as deemed reasonable and necessary to carry out the purposes of this article. The enforcing officer or his designee is authorized to perform as a law enforcement officer solely with respect to the

enforcement of the provisions of this article by being empowered to issue summons for any violations of this article in accordance with rules governing the courts of the State of New Jersey. In addition to the Director of Health, Welfare and Recreation and/or his designee, all law enforcement officers, Fire Officials, Fire Inspectors, Health Officials, Health Inspectors and Alcoholic Beverage Control Officials and Inspectors shall be empowered to enforce the provisions of this article.

§ 217-11. Administration; promulgation of rules and regulations.

The Director of Health, Welfare and Recreation is authorized to issue and promulgate such rules and regulations as may be reasonable and necessary to implement and carry out the provisions of this law.

§ 217-12. Restrictions on purchases by city.

A. The City of Rahway shall not purchase any food packaging which contains polystyrene or polyvinyl chloride, nor shall it sponsor any event which utilizes such packaging. All food packaging shall be degradable as required by this article.