

ORDINANCE 17-2022

**ORDINANCE OF THE BOROUGH OF MADISON REPEALING
CHAPTER 136A, OF THE MADISON BOROUGH CODE
ENTITLED “PLASTIC BAGS, SINGLE USE”**

WHEREAS, the Borough of Madison adopted Chapter 136A, Plastic Bags, Single Use, by adoption of Ordinance 47-2019, and adopted subsequent amendments to Chapter 136A, by Ordinance 4-2020; and

WHEREAS, Chapter 136A (§ 136A-1 through § 136A-6) regulates the use of and distribution of plastic bags in the Borough; and

WHEREAS, Chapter 136A will no longer be necessary as a result of the creation and implementation of state wide laws that regulate the use of plastic bags, effective, May 4, 2022, thus preempting local ordinances.

NOW, THEREFORE BE IT ORDAINED by the Council of the Borough of Madison, in the County of Morris and State of New Jersey as follows:

SECTION 1: Chapter 136A (§ 136A-1 through § 136A-6), Plastic Bags, Single Use, of the Borough Code is hereby repealed in its entirety.

SECTION 2: Repealer. All Ordinances or parts thereof in conflict or inconsistent with the state legislation referenced above regulating plastic bags, are hereby repealed, but only however, to the extent of such conflict or inconsistency, it being the legislative intent that all Ordinances or part of ordinances now existing or in effect unless the same being conflict or inconsistent with any provision of this Ordinance shall remain in effect.

SECTION 3: Severability. The provisions of this Ordinance are declared to be severable and if any section, subsection, sentence, clause or phrase thereof for any reason be held to be invalid or unconstitutional, such decision shall not effect the validity of the remaining sections, subsections, sentences, clauses and phrases of this Ordinance, but shall remain in effect; it being the legislative intent that this Ordinance shall stand notwithstanding the invalidity of any part.

SECTION 4: This ordinance shall take effect immediately upon passage and publication as required by law.