

Lower Gwynedd Township EAC Meeting Agenda

March 12, 2025, 7:00 PM

Township Building Conference Room

Zoom Link: <https://us06web.zoom.us/j/85737200770?pwd=7Y91A4DZAafiN7LAqfnia8OUVBKF2a.1>

Meeting ID: 857 3720 0770 **Passcode:** 699755 **Call in:** 1+646 931 3860; 1+929 205 6099

1. Call to order
2. Introduction of new members
3. Approval of March, 2025 meeting minutes
4. Request to move items from Consent Agenda to Regular Agenda, add additional items as part of the Regular Agenda
5. Approval of Regular Agenda
6. New Business
 - a. No Meeting June 11
7. Old Business
 - a. "Birds and Brews: What is a Forest?" with Author Ethan Tapper, at the John James Audubon Center, June 12 6 p.m. Sponsorship with Wissahickon Trails and local EACs.
 - b. Follow-up to Shady Grove Elementary Science Night
 - c. Follow-up to Wissahickon Trail Creek Clean with Parks & Recreation Board
 - d. Bird Town Update
8. Single Use Plastic Waste Reduction Open House Follow Up
 - a. EAC Member Feedback
 - b. Results of event survey
 - c. Next Steps
9. Liaison Reports
 - a. Board of Supervisors
 - b. Parks & Recreation
 - c. Comprehensive Plan
10. Points of interest/General comments

Next Monthly Meeting: July 9, 2025

Lower Gwynedd Township EAC Meeting Minutes

March 12, 2025, 7:00 PM

Township Building Conference Room

Members in Attendance:

Mark Schafer, Chair (Zoom)

Brenda Doll

Rea Monaghan, Vice Chair

Lisa Brown

Maureen Nunn

Marianne Grey

Associate Members: Suzanne Smith, Richard Valiga, Steve Saffier,

Board of Supervisor Liaison: Tessie McNeely

Staff in Attendance: Sandi Feight, Recreation Director, John Farrell, Project Manager, Jim Hersh, Gilmore Assoc (Twp Engineer)

1. Call to order: Mr. Schafer called the meeting to order at 7:00 pm
 - a. Everyone went around and introduced themselves, we had a resident and scout from the Ambler Troop present for a merit badge.
2. Approval of prior meeting minutes: The meeting minutes were approved as presented.
3. New Business
 - a. Gilmore and Associates, Township Engineer: Sidewalk and Trail Map
Jim Hersch from Gilmore & Associates presented updates on the trail and sidewalk mapping project, highlighting the need for accurate maps and priority connections. The project includes identifying mid-block crossings and potential changes to zoning ordinances. The project has two maps: an existing map and a proposed network map, which will result in recommendations for changes to the subdivision and zoning ordinances. In addition, there was discussion on the feasibility of adding trails along busy roads like Plymouth and Evans, considering the need for right-of-way acquisition and resident opposition.

Jim did ask that members please submit any comments to Sandi by the following Friday.

- b. Wiss Trails Speaker June 12th

Mark had received an email before the meeting from Wissahickon Trails regarding Birds & Brews Series at the John James Audubon Center on June 12, with a panel discussion with Author Ethan Tapper. Wiss Trails is looking to partner with local EACs and seek financial donation (\$250-\$300), to include table at the event, be included in promotional materials and meet the author. Since this was a last-minute correspondence, Mark asked that the email be distributed through the EAC

4. Bird Town – Steve Saffier

Steve discussed the Bird Town program and its importance in promoting bird conservation and community engagement. The way the program is structured now includes strategies for municipal actions, school district actions, community engagement, habitat enhancement, and more. The importance of maintaining the Bird Town program and expanding its activities is emphasized. There is need for a committee to manage the Bird Town program. The members discussed options for keeping it within the EAC or forming a subcommittee.

Sandi said she would have a conversation with the Township Manager to see the best way to proceed with this. Steve was asked to see how other Bird Town programs operate.

5. Old Business

a. Single Use Plastic Waste Reduction Planning Discussion for April Event

Now that the event has been approved by the Board of Supervisors, the staff can follow through on reaching out to the business associations and ask for their participation. The Montgomery County Chamber of Commerce and Lower Gwynedd Business Association will participate, with discussions on business costs and alternatives. Restaurants, particularly vocal opponents, were noted. The event will feature tables for community education, resident feedback, and business surveys. Staff will manage the survey table, ensuring unbiased data collection. The event will include educational stations, a survey, and a recommendation to the Board of Supervisors. The need for clear communication and documentation of public input is discussed.

The EAC members confirm their roles and responsibilities for the event, ensuring all aspects are covered. The need to hand-deliver invitations to local businesses and distribute flyers is discussed, members indicated what areas of the business district they would be distributing the post cards.

6. Points of interest/General comments

a. Suzanne – Grants for Trees along Dager Rd

Suzanne had spoken with Mark regarding investigating what grants were available to start foresting the Dager Rd Trail. Sandi informed them that they were not done felling trees. That she was working on a program like Upper Dublin.

b. Other meetings of interest

i. Shady Grove Elementary Science Night March 27, 6-8

Suzanne and Lisa had met to discuss what they were planning for the science fair. Suzanne suggested an easy hands-on activity that should not require any funding from the Township, just a few buckets.

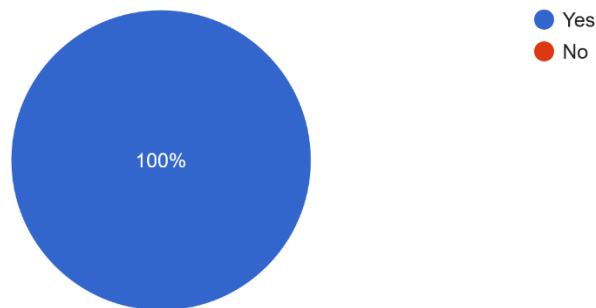
ii. Wissahickon Trails Cleanup, Saturday, April 26

The Township is encouraging the EAC and P&R Board to work together with Wiss Trails on the Creek Cleanup on April 26 and focus on the area of the creek that runs along Penllyn Woods. The Township feels that duplicating efforts and working with an established organization would be more beneficial.

Resident Input from April 9th Open House

Were you aware of the environmental impact of plastics prior to this event?

19 responses



As a resident what measures do you take at home to reduce plastics?

Recycle; also take our own leftover containers to restaurants, and bags to supermarkets

Avoid plastic, use cloth bags, get things raw or in cans or glass, boycott stores that hand out plastic bags.

Purchase as much as possible in glass rather than plastic (salad dressing, juice) or in no container or a reusable one (produce, refill containers of spices, nuts, soap) use recyclable grocery bags; take my own bags and containers to restaurants for take-home food. Never use plastic water bottles.

Recycling and limit use.

Try to use glass containers and not use plastic bags

Re-useable bags for groceries, refusing plastic bags at stores, intentional reduction of plastic ware

Reusing bags, recycled all that I could. Stayed away from plastic utensils, plates and cups at home.

Use only washable or reusable items at home. And recycle all that I can.

Recycled and don't buy products with plastic

Recycle, minimize use

Reuse single use bags, take Tupperware to restaurants for leftovers.

None

Recycle single use bags as garbage bags; accept plastic bags from vendors only as needed.

Recycle

Purchase products in minimal/compostable packaging, when an option. Buy glass containers when possible (increasingly difficult). Use "reusable" bags when grocery shopping. Reuse plastic bags and packaging to contain trash for disposal and for other storage purposes.

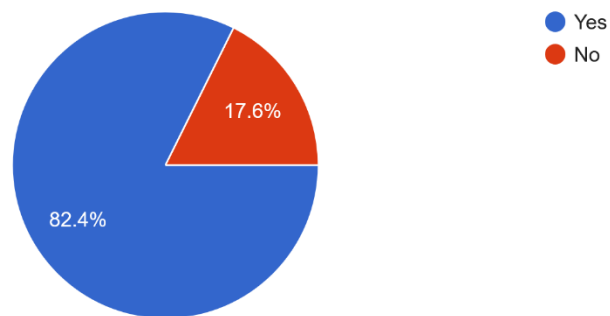
Take tote bags everywhere

Reduce, reuse, recycle

Using our own bags

Have you learned more about the regulations and laws pertaining to plastic after attending this event?

17 responses



Do you support community-wide waste reduction measures required by Township ordinance?

Yes

No

Maybe

YES!!!!

Absolutely not. Very much opposed.

Absolutely opposed to this measure/ordinance.

No. Township ordinances don't reduce the trash.

As a former small business owner, I believe businesses need less regulatory and compliance burdens not more. If overwhelming support for an ordinance is discerned by this committee, I do not support any fees that place an additional record keeping burden of tracking the number of bags purchased, number of bags "sold", fees collected, filing returns and remitting payments on whatever periodic basis is required, spending time to prepare for and participate in return audits. All of this becomes a burden to the small business owner, who must find time, which is frequently more than the time return forms estimate is necessary, to perform such compliance measures.

Do you support volunteer community-wide waste reduction measure encouraged by a Township led educational campaign?

Yes

YES!!!!

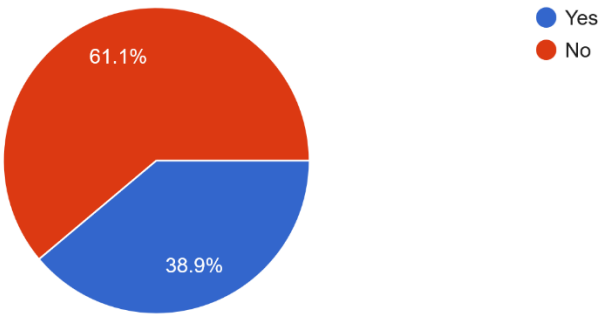
Yes in the case that an ordinance doesn't pass

Educational-yes. Mandated-no way.

Yes, educating people without forced compliance is preferred. An area not addressed last night is how to reduce the non-compostable industrial packaging waste. My question to Lower Merion and Ambler representatives about how to reduce this waste stream and whether the local municipalities were working on this with the state was met with a "no" and sadly a response to the effect that such attempts would lack the necessary political strength to compete with industrial lobbyists who would oppose any state-wide packaging directives.

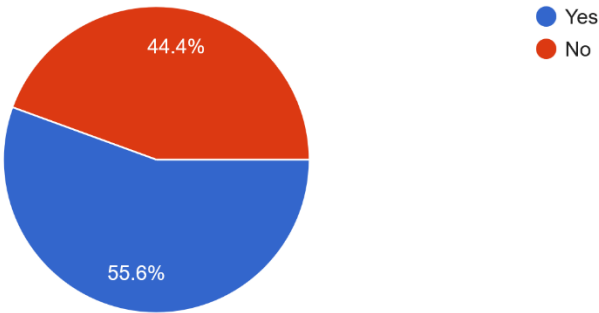
Does a businesses use of plastics influence where you shop?

18 responses



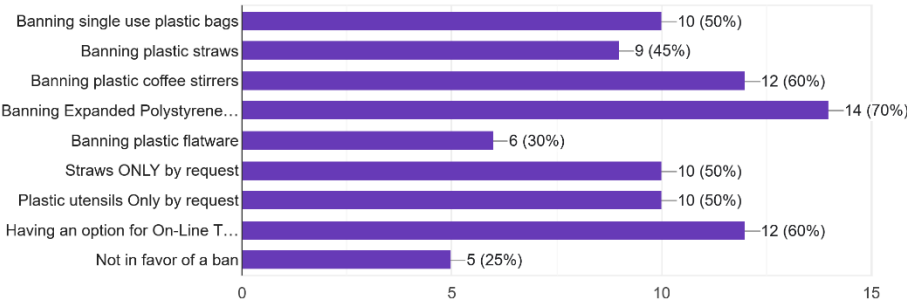
Are you willing to pay an additional fee at the time of check out per recycled bag?

18 responses



Which plastic waste reduction measure would you support?

20 responses



After attending tonight's open house, what measures do you plan on implementing at home?

Keep on with what I'm doing

I already reduce and reuse

Already do so much

Keep recycling and limiting use.

More diligent about eliminating plastic outside the house

More intentional reduction of plastic items

Not changing anything, as I already try to reduce my plastic use at home.

Nothing to change, I've been doing all that I can over the last 30 years to reduce my use of non recyclable materials. I just completely object to a forced ban.

Pay more attention to recycling what I can; reduce buying items wrapped in lots of unnecessary plastic

Contact current waste co to confirm compliance

None

Continue current practice of reusing single use bags.

Continue my recycling and use of reusable materials.

No dramatic changes, as the primary problem for us is industrial packaging that has virtually eliminated glass containers in favor of plastic and plastic wrappings instead of compostable materials. Our single largest plastic output is single use water bottles, required because tap water contains flouride, which requires a significant investment for a reverse-osmosis filtration system to remove from the tap water. (No standard filtration system removes flouride, which is a neurotoxin and calcifies the pineal gland.)

I have an increased awareness

We already address plastic at home

Not sure

How can the Township encourage residents to use reusable bags?

Post encouraging signs anywhere possible; confer with municipalities that have bans as to how they helped businesses that would be inconvenienced

I would rather it worry about other things.

Ban them. People have to adapt.

That's the big question!

I think residents use reusable bags more often than we think. A ban with a FEE ordinance is really the only way more people would comply. And, it's the VENDORS (eg, restaurants and convenience stores, like CVS) who need to use less plastic and styrofoam. We consumers take what we're given

Educate and offer solutions.

More PSAs otherwise Not sure

More education and set an example

How about offering a discount for those that have reusable bags rather than banning plastic outright? For those that make unplanned store trips, you often have no alternative.

Give a credit at merchants to those customers that do. But an outright ban is lunacy. And hamstrings both businesses and consumers.

Commercials, website, social media, and pictures of plastic bags littering very scenic places

Some incentive sponsored by stores and or township

Not sure it is reasonable use of resources.

Make them reasonably priced.

Instead of implementing a ban, have you considered offering merchants a nominal credit on their business privilege/mercantile tax for voluntarily eliminating "single-use" plastic bags and eliminating/offering upon request the other items listed in the "what plastic reduction measure would you support." They are already required to file this return and the voluntary elimination could be verified by unannounced site visits, which I figure already would be part of the process for verifying ban compliance, if such an ordinance were enacted.

Charge for plastic

Small charge for bag at checkout

Offer township bags for sale

What barriers prevent you from using reusable bags?

None

I use them

When I first started had to make out a habit. I made myself carry things out in my arms when I forgot , until I got used to remembering. Now I ALWAYS remember.

I do use them

Remembering them and not having them clutter my vehicle. Knowing which municipalities allow bags vs only reusable. My work vehicle has no room for the bags.

Coat. Tempering them. We have multiple cats already cluttered with kids' sporting gear, etc.

Laziness

I forget to bring them Into the store!!

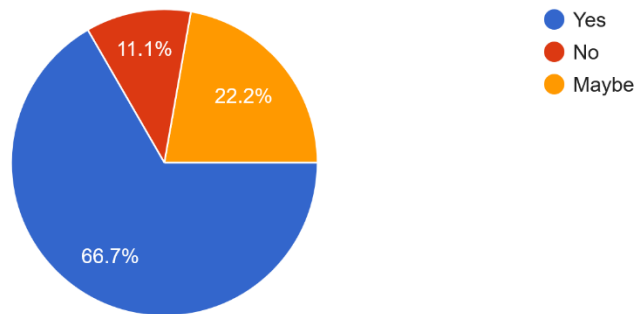
None. I use them

Regarding, this survey's question below, it does not address people who are already using paper or "reusable" bags. For me, single-use bags are also reusable and almost always serve another purpose before becoming trash. People who use these or other plastic bags for pet waste may not be inclined to use paper bags for wet materials potentially containing bacteria and/or parasites and will likely purchase available heavier weight plastic bags. Reusable bags made from non-compostable materials will eventually contribute to micro-plastics and otherwise harm the environment when they wear out and are discarded, so while they may reduce volume, they do not eliminate the harmful waste materials.

N/a

Do you feel you can shift your shopping behavior to include reusable bags?

18 responses



Any additional comments.

Shopping bags make great trash bags and they're now free.

We are killing nature with the bags. I will go to great lengths to delineate them.

We have a responsibility to the planet and humanity to maintain it, simple measures - like reducing plastic production and use - included. Educate, educate, educate - including the vendors! I didn't understand this question on the survey: "Are you willing to pay an additional fee at the time of check out per recycled bag?" Am I being "punished" with a fee for using a recycled bag that I brought with me???

I work for Giant and we are in favor of single use plastic bag bans.

Thank you for this event!

The LG EAC representatives clearly are fully in favor of the ban and had zero interest in hearing from those that oppose a full ban. Why have an open house if they didn't want feedback that wasn't in favor? They were borderline outright rude. Not what I'd expect in LG. Or at least, not what I'm used to expecting.

First we ban paper bags, as it's killing the trees and environment. Now we ban plastic bags, as it's killing the environment. These reusable bags are ending up in landfills by the thousands. What's next, you can only purchase what you can carry in your hands?

Very big proponent of small changes that have big impacts

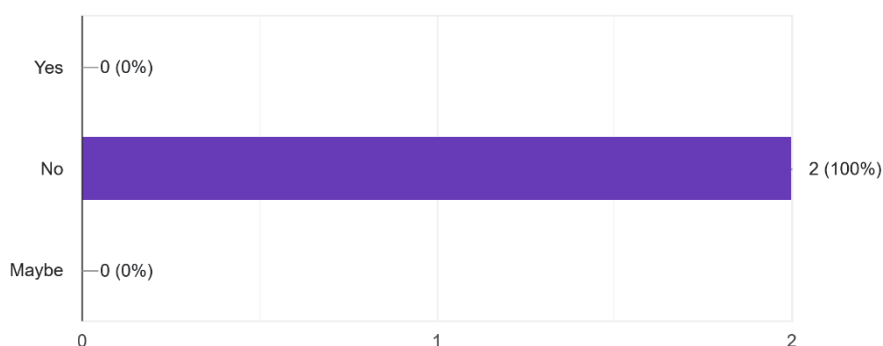
I pick up trash along trails in township. Single use plastic is NOT the problem. Soda cans, snack food wrappers and plastic bottles are the problem.

As stated before, I do not support a township ordinance to ban these items. If overwhelming support for an ordinance is discerned by this committee, there should be no bag fees imposed and paper bags should be an allowable item, so that merchants have an option to continue to provide bags at check out as a convenience to their customers.

Business Input from April 9th Open House

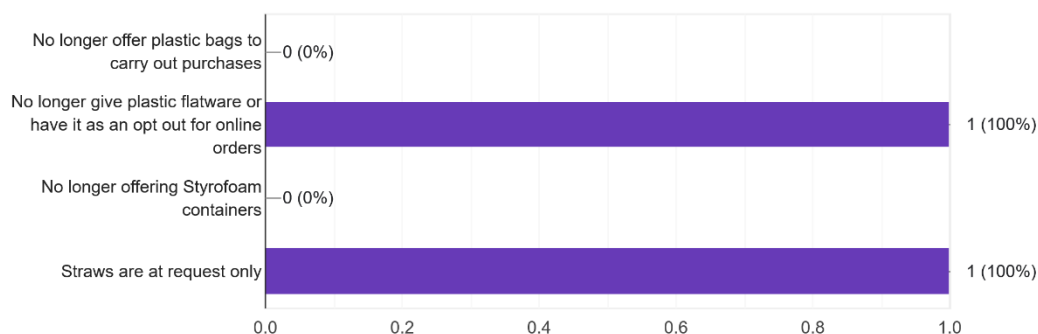
Is your business in FAVOR of plastic waste reduction ordinance that includes banning single use plastic bags ONLY?

2 responses



Has your business taken measures to reduce plastic waste?

1 response

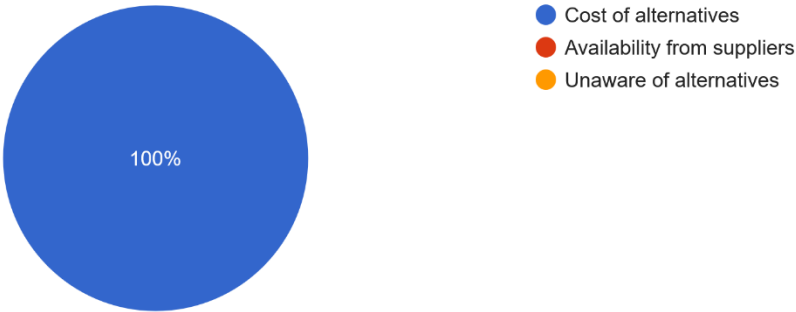


If you answered No or Maybe can you give feedback?

Driving up my cost when I'm struggling to make ends meet right now. Guess you'll have yet another vacant space in the township (or many) when you enact this. Emulating Philly, I suppose.

People need plastic bags to protect their cars, we already have people that want us to pay for detailing or dry cleaning when things spill. Not to mention single use plastics have a much smaller carbon footprint then paper and reusable bags. New Jersey is in the process of reversing their plastic ban because it had the reverse effect and plastic waste has skyrocketed.

What barriers (if any) keep you from switching to a more environmentally friendly alternative to using single use plastics or Styrofoam containers?
2 responses

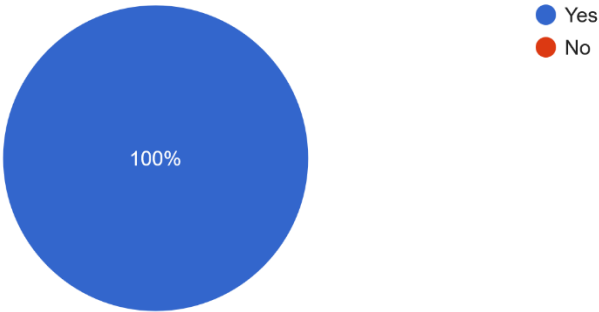


What other barriers are you facing?

Customer backlash. No one comes in with reusable bags.

The cost of substitutes is definitely a factor but the real reason is they do not have good substitutes. Many have forever chemicals that are poisoning people or ones that can safely transport foods that won't spill, decompose before they get home or burn our customers.

Would your business expect to incur additional costs if a single use plastics / Styrofoam ban were implemented?
2 responses

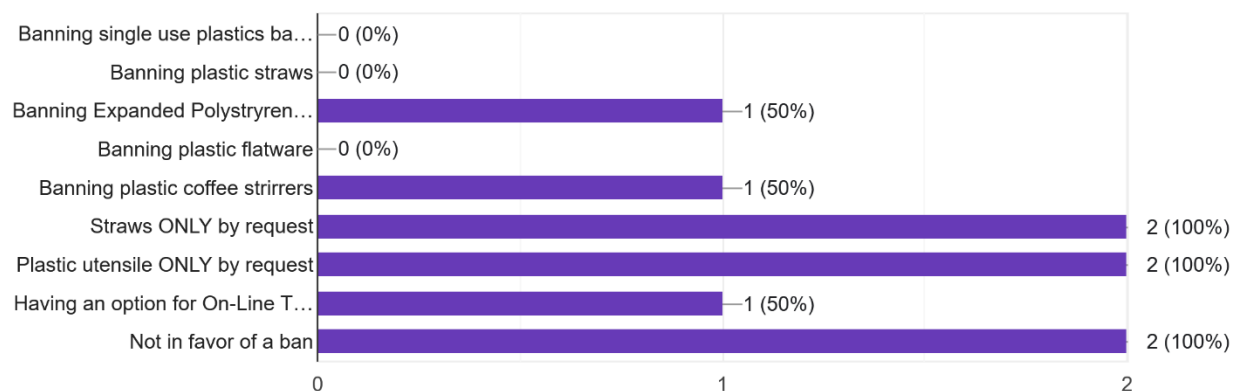


If so, what would you expect the scale of the cost increase to be?1 response

Enough to put us out business

Which plastic waste reduction measure would your business support?

2 responses

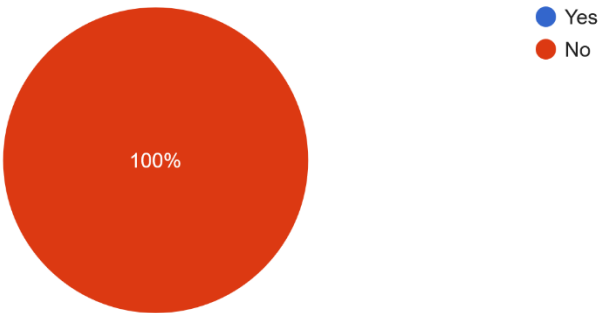


Does your business encourage patrons to bring reusable bags for shopping? How are you encouraging?1 response

That would require us to alter our entire website-at great cost. Do you plan to reimburse us those fees?

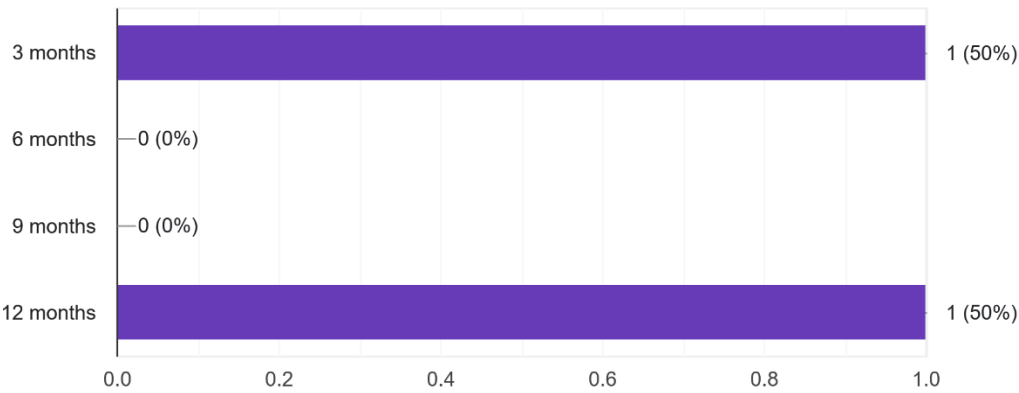
If you are a restaurant, do you encourage customers to bring reusable containers for left over food?
(NOT TAKE OUT)

2 responses



With your current supply of single use plastics, how long would you estimate your current supply lasting?

2 responses



Additional Comments

Driving more businesses out of the township with this. You reap what you sow.

I think you need to look at other areas and see their results. New jersey is in the process of reversing their plastic ban because it actually have the adverse effect. Their are many case studies that show the bans did not work.

Citizen Portal

Styrofoam is neither recyclable nor compostable; in my view, its production is therefore immoral. I imagine that lobbyists would prevent its production from being outlawed. This along with excessive packaging is left to each individual's conscience. How then to proceed?

Phone Calls

The meeting looks very interesting and look forward to attending and learning.

Feedback / Questions / Comments Received During 4.9.25 Community Conversation Open
House Regarding Plastics

1. The tone was cheerful and attendees were interested in learning more, expressing their concerns and sharing ideas.
2. I heard from 4 people who said that they were unaware the event was an open house and thought they would need to remain the full time of the event (5-8pm). They were glad to learn they could come and leave when they wanted. Some mentioned that neighbors and friends did not attend due to the time commitment (5-8:00pm).
3. Several people I spoke to had difficulty completing the survey during the event (e.g., did not bring their readers or phone or wanted to take time to view the survey online from home). Several people asked if there was a link to access the survey online and complete later. I was able to create a link and was going to email the link to the attendees. I gave Sandi their email addresses as she said she would email the link to them. Thank you, Sandi.
4. Table leads said they engaged with all attendees and had meaningful discussions.
5. One gentleman I spoke to stated he was against any ban. When asked why, he stated that he would not remember to bring reusable bags or food containers and neither he nor his wife would leave a restaurant to go home to get the forgotten bag or container.
6. One business owner brought a handout for distribution, which I asked him to leave on the business table to share. I asked him if I could take a photo and read later as I did not have the time to do so that night. He agreed. I did review the document but there were no sources or citations listed to verify the information. However, the document did point to the larger problem of wrapping of products, and not all reusable bags are made with materials good for the environment.
7. Some attendees did point to the larger issues of packaging, in general, but agreed that taking steps to curb single use plastics is a valid and a very important start at the local level.
8. Table Leads extended a thank you to all for hosting a successful event.

1. Upper Dublin Township

<https://www.upperdublin.net/government/single-use-plastic-bag-regulations>

Compliance

Retail establishments are required to be fully compliant with these regulations no later than September 8, 2024. After this date, businesses will be subject to:

- a written warning for a first offense,
- a civil penalty of \$100.00 for a second offense,
- a civil penalty of \$200.00 for a third offense, and
- a civil penalty of \$500.00 for a fourth or any subsequent offense.

§ 203-54. Enforcement. A. The Township Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. B. A person, store, or food service establishment that violates the requirements of this Chapter 203, Article V shall: (1) (2) (3) (4) be issued a written warning for a first offense; be subject to a civil penalty of \$100.00 for a second offense; be subject to a civil penalty of \$200.00 for a third offense; and be subject to a civil penalty of \$500.00 for a fourth or any subsequent offense. C. For the purposes of enforcement under this subchapter, an offense shall be each day a person, store, or food service establishment is violating a requirement of this Ordinance. D. In addition to the penalties set forth in this Article, the Township may seek legal, injunctive, or other equitable relief to enforce the requirements of this Article. E. The failure of the Township to enforce any provision of this Article shall not constitute a waiver by the Township of its rights to future enforcement hereunder.

If you are an Upper Dublin resident for whom this change is a hardship and you do not have enough reusable bags for your household, please email rlhoefer@upperdublin.net. The Township has a limited number of bags available to provide in this situation.

2. Upper Merion Township

<https://www.umtownship.org/landing-page-environment/singe-use-plastics-ordinance/>

5/6/25- email sent to EAC chair re: reporting and compliance.

See attached documents:

Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

UMT Single-Use-Plastic-Alternative-Products

3. Ambler Borough

§ 203-54. Enforcement. A. The Township Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. B. A person, store, or food service establishment that violates the requirements of this Chapter 203, Article V shall: (1) (2) (3) (4) be issued a written warning for a first offense; be subject to a civil penalty of \$100.00 for a second offense; be subject to a civil penalty of \$200.00 for a third offense; and be subject to a civil penalty of \$500.00 for a fourth or any subsequent offense.

Borough of Ambler Plastics_Ordinance.pdf

Borough of Ambler Plastics-FAQs_23-01-27.pdf

4. Abington Township

<https://glensidelocal.com/abington-township-passes-ban-on-single-use-plastic-bags/>

5. <https://www.stamfordadvocate.com/news/article/stamford-single-use-plastics-20305120.php>
6. <https://www.insidernj.com/nj-republican-proposes-repealing-states-ban-on-plastic-bags-straws/>
7. <https://phoenixville.org/2858/Phoenixville-Plastic-Bag-Ban>

THE BOROUGH OF AMBLER, MONTGOMERY COUNTY, PA

ORDINANCE NUMBER 1126

AN ORDINANCE OF THE BOROUGH OF AMBLER REGULATING THE COMMERCIAL USE OF SINGLE USE PLASTICS AND EXPANDED POLYSTYRENE (STYROFOAM), TO BE CODIFIED AT CHAPTER 13 IN THE BOROUGH CODIFIED ORDINANCES AS A NEW PART 9 THEREOF; DEFINING PLASTICS AND EXPANDED POLYSTYRENE PRODUCTS THAT ARE WITHIN THE SCOPE OF THE ORDINANCE; PROHIBITING THE USE OF CERTAIN PLASTICS AND EXPANDED POLYSTYRENE PRODUCTS BY RETAIL ESTABLISHMENTS PROVIDING PACKAGING TO CUSTOMERS; PROVIDING EXEMPTIONS AND A MECHANISM FOR ALLOWING HARDSHIP CLAIMS; PROVIDING PENALTIES FOR VIOLATION; INCLUDING SAVINGS AND REPEALER CLAUSES; ORDINANCE EFFECTIVE ON THE EARLIEST APPLICABLE DATE SET FORTH IN THE PENNSYLVANIA BOROUGH CODE RELATING TO THE EFFECTIVE DATE OF ORDINANCES, WITH ENFORCEMENT DEFERRED UNTIL MARCH 1, 2023 FOR SINGLE USE PLASTICS AND MARCH 1, 2024 FOR EXPANDED POLYSTYRENE PRODUCTS AS SET FORTH IN THE ORDINANCE.

WHEREAS, Ambler Borough Council, in connection with its consideration and adoption of ordinances that are consistent with the health, safety and welfare of Borough citizens and visitors, finds that:

- a. The use of single-use plastic bags, expanded polystyrene food service products, and single-use plastic utensils have severe environmental impacts, the type and manner of which have been well documented and scientifically demonstrated;
- b. Only a tiny percentage of these products are successfully recycled;
- c. Single-use plastics are widely used throughout the Borough;
- d. Regulating the use of single-use plastics in the manner set forth in this ordinance has been demonstrated elsewhere to reduce their use by regulated businesses;
- e. The regulation of single-use plastics is consistent with the Environmental Rights Amendment to the Pennsylvania Constitution in addition to the Borough's general authority to regulate businesses within the Borough.

NOW THEREFORE, Ambler Borough Council hereby ORDAINS as follows:

There shall be added to the Ambler Codified Ordinances, at Chapter 13, a new part 9 entitled "Single-Use Plastics", and the content of which is as follows:

901. Definitions.

- A. Exempted Bag. The use of an exempted bag is not a violation of this ordinance. An

exempted bag:

- (a) is used inside a retail establishment by a customer to deliver perishable items to the point of-sale at that establishment (checkout); or
- (b) is used:
 - (i) to package bulk items such as fruit, vegetables, nuts, grains, or candy;
 - (ii) to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
 - (iii) to contain live animals, such as fish or insects sold in a pet store; or
- (c) is sold in packaging containing multiple bags and packaged at the time of manufacture of the bag; or
- (d) is a paper bag offered to the customer at the point of sale; or
- (e) is a reusable carryout bag offered to the customer at the point of sale. A reusable carryout bag is a durable bag with handles made and intended for repeated use.

B. Expanded Polystyrene Food Service Product. A foam-based form of plastic packaging made from styrene including containers or plates for food, beverage cups, trays, and clamshell-style packaging, often referred to by the trademarked name Styrofoam. In the event of a dispute over a particular form of packaging and whether it is regulated by this ordinance, the definition set forth in footnote 1 of this ordinance is controlling.

Packaging that is not regulated by this ordinance is:

- (a) food or beverages that have been packaged in expanded polystyrene outside the borough before receipt by a food service establishment or store;
- (b) a product made of expanded polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood; or
- c) non-foam polystyrene food service products.

C. Retail Establishment. A temporary or permanent location in the Borough where food or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: supermarket, convenience store, service station, delicatessen, department store, dollar store, clothing store, restaurant, pharmacy, food truck, farmers' market, festival or delivery service, but not including drycleaners.

D. Single-use Plastic Bag. A bag made through a blown-film extrusion process, but not including an Exempted Bag.

E. Single-Use Plastic Devices

- (a) means any item provided by a Retail Establishment to serve, consume, garnish or manipulate food or beverages that is primarily made from plastic; except, however, that this ordinance shall not apply to forks, spoons, sporks, knives, and chopsticks.
- (b) includes straws, drink stirrers, beverage spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements.
- (c) shall not include devices provided under the following circumstances:
 - (i.) When packaged with beverages prepared and packaged outside of the Borough, provided

such beverages are not altered, packaged or repackaged within the Borough; and
(ii.) When provided as an assistance device to reasonably accommodate a disability.

Single-Use Plastics. A form of disposable packaging made from fossil-fuel based chemicals and which is intended to be disposed of immediately after use. Examples include bags, straws and utensils. In the event of any dispute over the nature of the packaging supplied by a Borough business, the technical definition of plastic set forth in footnote 2 shall control.

902. Prohibited Uses of Single-Use Plastics and Polystyrene.

1. Beginning March 1, 2023, retail establishments are prohibited from providing any of the following to a customer either directly at the establishment or through a delivery from the establishment to a destination selected by the customer:
 - a. A single-use plastic bag that is not an exempted bag;
 - b. A non-recycled paper bag that is not an exempted bag;
 - c. A single-use plastic device unless requested by the customer.
2. Beginning March 1, 2024, retail establishments are also prohibited from providing an expanded polystyrene (Styrofoam) food service product to a customer either directly at the establishment or through a delivery from the establishment to a destination selected by the customer:
3. For purposes of this ordinance, a Retail Establishment provides regulated products to a customer when the package is handed to the customer by any owner, employee or volunteer of the establishment, or, where the prohibited packaging is made available to the customer for his or her own use or self-packaging.

903. Penalties for Violation

A retail establishment that violates the requirements of this subchapter is subject to a civil penalty, plus court costs, as follows:

- (a) \$50.00 for a first offense;
 - (b) \$100.00 for a second offense;
 - (c) \$An amount not to exceed \$600.00, as determined by the court, for all subsequent offenses.
- (2) Each day in which the retail establishment violates this ordinance constitutes a separate offense.
- (3) In addition to the penalties set forth in this Chapter, the Borough of Ambler may seek legal, injunctive, or other equitable relief to enforce this Chapter.
- (4) The failure of the Borough of Ambler to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of Ambler of its rights to future enforcement hereunder.

904. Hardships

Borough Council may, upon written request of a retail establishment, temporarily exempt it from the requirements of this ordinance if Borough Council finds that enforcement would cause undue hardship to the retail establishment. In granting any such temporary exemption, Council shall also state the duration of such exemption.

A finding of undue hardship may be based on one of the following:

- a. The commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags or single-use plastic straws;
- b. Compliance with the requirements of this article would deprive a commercial establishment of a legally protected right;
- c. Additional time is necessary in order to draw down an existing inventory of single-use plastic carry-out bags or single-use plastic straws.

905. Severance. Repealer. Effective date.

If any portion of this ordinance is found to be invalid by a court of competent jurisdiction, then to the extent possible such invalid portion shall be severed from the remainder, which shall continue in full force and effect.

Any portion of any existing Borough ordinance which is inconsistent with any provision herein is, to the extent of such inconsistency, repealed.

This ordinance is effective on the earliest of the following:

- a. The date when the mayor approves it;
- b. The date of enactment by council over the mayor's veto;
- c. For an ordinance not returned by the mayor at the next scheduled meeting of council occurring at least ten days after the meeting at which the ordinance was enacted, the date of the succeeding scheduled meeting of council.

SO ORDAINED this 16th day of August, 2022.



Glynnis Siskind, Council President

Attest: _____

Mary Aversa, Council Secretary

Approved: _____

Jeanne Sorg, Mayor

FN 1. For purposes of this ordinance, "expanded polystyrene" means blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including: fusion of polymer spheres, known as expandable bead 20 polystyrene; injection molding; foam molding; and extrusion-blow molding, also known as extruded foam polystyrene.

FN 2. For purposes of this ordinance, "plastic" means a synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.

“

Borough Of Ambler

131 ROSEMARY AVENUE
AMBLER, PENNSYLVANIA 19002-4476

PHONE 215-646-1000
FAX 215-641-1355 ADMINISTRATION
FAX 215-641-1921 WATER DEPARTMENT
WEBSITE: www.boroughofambler.com



On August 16, 2022, Ambler Borough Council approved a law regulating single use plastics bags and single-use plastic devices such as plastic straws as well as styrofoam. This collection of questions and issues is designed to help explain the details of the new law.

What's covered under Ambler's new ordinance?

Single use plastic bags and items such as: straws, drink stirrers, beverage spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements along with polystyrene food service products aka Styrofoam



When does it go into effect?

March 1, 2023, regulations for plastic bags and single use plastic devices

March 1, 2024, regulations for polystyrene food service products aka Styrofoam

What kinds of single use plastics does the ordinance cover?

Single use plastic bags and items such as: straws, drink stirrers, beverage spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements along with polystyrene food service products aka: Styrofoam

What's not considered a single use plastic carry out Bag according to this ordinance?

Produce bags at a grocery store to package bulk items such as fruit vegetables, nuts, grains, or candy.

Laundry or dry-cleaner bags or Newspaper bags.

Bags used to contain or wrap frozen foods, meat or fish or bakery goods.

Bags used to contain live animals, such as fish or insects sold in a pet store.

A bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag.

A paper bag offered to the customer at the point of sale.

A reusable carryout bag offered to the customer at the point of sale. A reusable carryout bag is a durable bag with handles made and intended for repeated use.

A non-handled bag used to protect a purchased item from damaging or contaminating other purchased items when placed in a Reusable Bag, Recyclable Paper Bag or Compostable Plastic Bag;

What will happen when I get to the checkout register?

Customers may use their own bags, use a paper bag provided by the merchant, or purchase a reusable bag.

Where can I get reusable bags?

Reusable bags are widely available for purchase.

I forgot to bring my own bags. What do I do?

Some business will offer paper bags at no cost. Some businesses will sell you a reusable bag.

What kinds of single use plastics devices does the ordinance cover?

“Single-use Plastic Device” shall mean any item provided by a retail establishment to serve, consume, garnish or manipulate food or beverages that is primarily made from plastic including: straws, drink stirrers, beverage spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements.

What is not considered a single use plastic device under this ordinance?

Forks, spoons, sporks, knives, and chopsticks, recyclable cups, and recyclable lids along with any item packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered packaged or repackaged within the Borough.

I like to use a straw with my drink. What do I do?

One is permitted to be provided upon request of a customer.

Where can I get reusable straws?

There are many places to purchase reusable straws, however we hope that you shop locally.

I use a straw because of a disability, but I don't want to make a big deal out of it. What do I do?

Businesses are not legally permitted to ask you details about your accommodation and will provide a single-use straw if they have one in stock without fear of fine. You may ask for a single use plastic straw to reasonably accommodate a disability. The business may give you a straw without question if they have one in stock.

Questions for businesses...**What is considered a retail establishment?**

A temporary or permanent location in the Borough where food or other products are offered to the public for direct sale or delivery to a customer, including but not limited to the following: supermarket, convenience store, service station, delicatessen, department store, dollar store, clothing store, restaurant, pharmacy, food truck, farmers' market, festival, or delivery service, but not including drycleaners.

What bags can I offer to my customers for free?

You may offer any paper bag or a reusable bag that is durable with handles made and intended for repeated use.

What if I just purchased a larger order of single-use plastics bags?

Borough Council may upon written request of a retail establishment, temporarily exempt it from the requirements of this ordinance if Borough Council finds that enforcement would cause undue hardship to the retail establishment. In granting any such temporary exemption, Council shall also state the duration of such exemption from the law if it creates a hardship such as:

The Commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags or single-use plastic straws.

Compliance with the requirements of this Chapter would deprive the business of a legally protected right.

Or.... Additional time is necessary to use existing inventory of Single-Use Plastic Carry-Out Bags or Single-Use Plastic Straws.

What straws can I offer to my customers?

You may offer your customers a reusable straw made of either: glass, stainless steel, silicone, durable and reusable plastic, or other similar material. There are also recyclable paper straws or compostable straws.

What happens if I fail to comply?

The Borough Code Enforcement Officer will initially contact the business the in violation with a warning notice if a violation has occurred.

If an additional violation of this Chapter occurs after a warning notice has been issued for the first violation, the Code Enforcement Officer shall issue a notice of violation to the business and file it with the local court where upon conviction, the business could be ordered to pay fine, court costs, and attorneys' fees.

The penalty for each violation that occurs after the issuance of the warning notice shall be a fine of no more than:

- i. \$50.00 for the first violation.
- ii. \$100.00 for the second violation.
- iii. An amount not to exceed \$600.00, as determined by the court for all separate violations.

Who can I talk to if I have questions or concerns?

Feel free to contact Glenn Kucher at code@borough.ambler.pa.us or 215-646-1000 x112 with any questions.



Per Ordinance 2024-2377, beginning Wednesday, January 1, 2025, commercial establishments in Phoenixville Borough are prohibited from providing single use plastic carry out bags and non-compliant paper bags to customers.



SINGLE-USE PLASTIC
CARRY OUT BAGS



REUSABLE TOTE BAGS



RECYCLABLE PAPER BAGS

On January 9, 2024, the Borough of Phoenixville's Councilmembers passed an ordinance prohibiting retail establishments from providing single-use plastic bags and non-recycled paper bags to their customers beginning January 1, 2025.

The use of single-use plastic bags has numerous severe environmental impacts, including increasing greenhouse gas emissions. It is estimated that by 2030, plastic production will surpass coal for climate change impact. Plastics also contribute to litter, add to ground level ozone formation, acid deposition, and solid waste generation, as well as harm wildlife. Microplastics can enter the human body through ingestion and inhalation where they may be taken up in various organs and can affect health. The goals of the Councilmembers in passing this ordinance are to conserve resources and reduce greenhouse gas emissions, reduce waste, litter, and water pollution, and to protect the public health and welfare.

Enforcement of this ordinance will not occur until 6 months after enactment, to allow establishments to prepare for this change and use up any old inventory of plastic bags.

You can do your part to help the environment by bringing your own reusable bags when you go shopping.

For more information on Phoenixville's Plastic Bag Ban, please visit phoenixville.org/plastics

Frequently Asked Questions:

When does the ordinance go into effect? Ordinance 2024-2377 was passed January 9, 2024 and goes into effect January 1, 2025.

Why was the ordinance passed? Single-use plastics are harmful to the environment and wildlife, and are costly to taxpayers. This ordinance will help minimize litter and environmental impacts and reduce waste management costs.

What is banned by this ordinance? Single-use plastic bags - any bag made predominately of plastic regardless of thickness, and non-recycled paper bags are banned by this ordinance.

I have a stock of plastic bags. Can I use them before making the switch? Existing supplies of plastic bags and noncompliant paper bags can be used up to the enforcement date of January 1, 2025.

Which type of businesses does this affect? This ordinance affects retail establishments, which includes any store, commercial establishment, or any other location that sells perishable or nonperishable goods, including (but not limited to) clothing, food, and personal items, directly to the consumer and is located within or doing business within the geographical limits of Phoenixville Borough. Retail establishments include:

- Drugstores
- Pharmacies
- Supermarkets
- Grocery Stores
- Farmers Markets
- Convenience Food Stores
- Food Marts
- Food Trucks
- Commercial entities engaged in the retail sale of a limited line of goods such as milk, bread, soda, and snack food
- Public eating establishments (i.e., a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises)
- Business establishments that sell clothing, hardware, or any other nonperishable goods

Are there any exceptions to this ordinance? Upon written request of a Commercial Establishment, Borough Council may, at its sole discretion, exempt a Commercial Establishment from the requirements of this Part for a period of not more than one year from the effective date upon a finding by the Council that the requirements of this section would cause undue hardship to the Commercial Establishment.

Can businesses charge customers for reusable bags? Yes - businesses may charge customers to purchase a reusable bag; the price charged is at the discretion of the business. A reusable bag means a reusable, carryout polypropylene bag that has stitched handles or a reusable bag made of cloth, other machine-washable fabric, or other material that is specifically designed and manufactured for multiple reuse.

What is the penalty for violating this ordinance? Retail establishments that violate this ordinance, after an initial written warning notice has been issued for that violation, will be liable for a citation per Ordinance 2024-2377.

What are the signage requirements? Retail establishments are required to post signs at all points of sale informing customers that single-use plastic bags and non-recycled paper bags will no longer be provided as of January 1, 2025. We have designed a sign that may be used to meet the requirement, which can be found at phoenixville.org/plastics



104TH GENERAL ASSEMBLY

State of Illinois

2025 and 2026

SB1872

Introduced 2/5/2025, by Sen. Cristina Castro

SYNOPSIS AS INTRODUCED:

New Act

Creates the Single-Use Plastic Bag Reduction Act. Defines terms. Prohibits, starting July 1, 2026, a retail mercantile establishment from offering or making available a single-use checkout bag to consumers at the point of sale. Allows a retail mercantile establishment to offer a recycled paper bag or reusable bag to consumers. Requires a fee of at least \$0.10 per recycled bag to be retained by the retail mercantile establishment. Exempts bags for certain governmental food assistance programs. Limits use of the fee with respect to credit card and other fees. Provides for educational material and signage. Provides for enforcement, including civil penalties. Limits home rule powers.

LRB104 08580 BDA 18632 b

1 AN ACT concerning safety.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 1. Short title. This Act may be cited as the
5 Single-Use Plastic Bag Reduction Act.

6 Section 5. Definitions. As used in this Act:

7 "Agency" means the Illinois Environmental Protection
8 Agency.

9 "Consumer" means any person who makes a purchase at
10 retail.

11 "Person" means an individual, natural person, public or
12 private corporation, government, partnership, unincorporated
13 association, or other entity.

14 "Plastic" means an organic or petroleum derived synthetic
15 or a semisynthetic solid material synthesized by the
16 polymerization of organic substances that is moldable into
17 various rigid and flexible forms, and to which additives or
18 other substances may have been added. "Plastic" does not
19 include natural polymers that have not been chemically
20 modified.

21 "Primarily engaged" means having sales of ready-to-eat
22 food for immediate consumption comprising at least 51% of the
23 total sales, excluding the sale of liquor.

1 "Recycled paper bag" means a paper bag that:

2 (1) is 100% recyclable; and

3 (2) contains at least 40% post-consumer recycled
4 material.

5 "Restaurant" means any business that is primarily engaged
6 in the sale of ready-to-eat food for immediate consumption.

7 "Retail mercantile establishment" means a business that
8 makes sales at retail and generates occupation or use tax
9 revenue. "Retail mercantile establishment" does not include
10 restaurant or small retail mercantile establishment.

11 "Reusable bag" means a bag with threaded stitched handles
12 that:

13 (1) is designed and manufactured for multiple uses;

14 (2) can carry 22 pounds of a distance of 175 feet; and

15 (3) is made of cloth, fiber, or other fabric or
16 recycled material that is machine washable and can be
17 cleaned and disinfected regularly.

18 "Single-use checkout bag" means a single-use plastic bag
19 that is provided by a retail mercantile establishment at the
20 checkout, cash register, or point of sale to a consumer for the
21 purpose of transporting goods out of the retail mercantile
22 establishment and that is not a recycled paper bag or reusable
23 bag. The term "Single-use checkout bag" does not include a bag
24 that is:

25 (1) used to package bulk items such as fruit,
26 vegetables, nuts, grains, or candy;

1 (2) used for greeting cards, balloons, or small
2 hardware items such as nails and bolts;

3 (3) used to contain or wrap frozen foods, meat, or
4 fish whether prepackaged or not;

5 (4) used to contain or wrap flowers or potted plants
6 or other items where dampness may be a problem;

7 (5) used to contain unwrapped prepared foods or bakery
8 goods;

9 (6) used to contain prescription drugs;

10 (7) sold in packages containing multiple bags intended
11 for use as garbage bags, pet waste bags or yard waste bags;

12 (8) brought to a store by the consumer for their own
13 use or to carry away from the store goods that are not
14 placed in a bag provided by the store;

15 (9) provided by a dine-in or take-out restaurant to
16 contain food or drink purchased by the restaurant's
17 consumers;

18 (10) plastic liners that are permanently affixed, or
19 designed and intended to be permanently affixed, to the
20 inside of a particular bag;

21 (11) a newspaper bag, door-hanger bag, laundry
22 cleaning bag, garment bag; or

23 (12) used for an online or digital orders where an
24 employee of the retail mercantile establishment packages
25 the goods for curbside pick-up or delivery.

26 "Small retail mercantile establishment" means a retail

1 mercantile establishment that has 12 or fewer locations in the
2 State, and is not part of a franchise, corporation, or
3 partnership; or is a retailer as defined by the Motor Fuel and
4 Petroleum Standards Act and is less than 5,000 square feet.

5 Section 10. Single-use checkout bag prohibition. Starting
6 July 1, 2026, a retail mercantile establishment shall not
7 offer a single-use checkout bag to consumers at the point of
8 sale or otherwise make a single-use checkout bag available to
9 consumers. A retail mercantile establishment may offer a
10 recycled paper bag or reusable bag to consumers.

11 Section 15. Recycled paper bag fees.

12 (a) If a retail mercantile establishment offers a recycled
13 paper bag to consumers, the retail mercantile establishment
14 shall charge a fee of at least \$0.10 per recycled paper bag
15 offered to a consumer.

16 (b) All amounts collected pursuant to this Section are
17 retained by the retail mercantile establishment and may be
18 used for any lawful purpose.

19 (c) A retail mercantile establishment may not rebate or
20 otherwise reimburse a customer any portion of the fee charged
21 pursuant to this Section.

22 (d) The fee imposed under this Section does not apply to
23 recycled paper bags that are used to carry items purchased
24 pursuant to the Supplemental Nutrition Assistance Program,

1 Women Infants, and Children program, or a similar governmental
2 food assistance program. Any final purchase price that
3 includes a recycled paper bag fee must be excluded from the
4 amount upon which any fee is charged the retail mercantile
5 establishment by any person when a consumer uses a card, note,
6 plate, coupon book, credit, or any other similar device to
7 purchase the paper bag.

8 Section 20. Education material and signage.

9 (a) Every retail mercantile establishment subject to the
10 single-use checkout bag prohibition and collection of the
11 recycled paper bag fee shall conspicuously display a sign in a
12 location outside or inside of the establishment, viewable by
13 customers, alerting customers to the state's single-use
14 checkout bag prohibition and recycled paper bag fee.

15 (b) The Agency shall develop educational and promotional
16 material, including a sign that complies with subsection (a)
17 of this section, regarding the state's single-use checkout bag
18 prohibition and recycled paper bag fee. The Agency shall make
19 the material available on the Agency's website for use by
20 retail mercantile establishments that are subject to the
21 requirements of this Act.

22 Section 25. Enforcement.

23 (a) The Agency may cause periodic inspections to be made
24 of retailers in order to determine compliance with this Act.

1 The Agency shall investigate complaints received concerning
2 violations of this Act.

3 (b) If the Agency finds that any person has committed a
4 violation of any provision of this Act, the Agency shall issue
5 a warning to the person. Any person who commits a second
6 violation within 12 months after the issuance of the warning
7 shall be subject to a civil penalty, issued by the Agency, of
8 up to \$100. Any further violations committed within 12 months
9 of the most recent violation after the second or subsequent
10 violation shall be subject to a civil penalty of not more than
11 \$500.

12 (c) Any penalties collected under this Section shall be
13 deposited into the Environmental Protection Trust Fund, to be
14 used in accordance with the provisions of the Environmental
15 Protection Trust Fund Act.

16 Section 30. Municipal plastic bag audits; home rule. The
17 power to audit taxes or fees on the collection, remittance,
18 and payment of any taxes on plastic bags, however defined, is
19 an exclusive power and function of the State. A municipality,
20 including a home rule municipality, may not conduct a
21 financial audit, with respect to the provision of plastic
22 bags, of any person that provides a plastic bag to a consumer.
23 This Section is a denial and limitation of home rule powers and
24 functions under subsection (h) of Section 6 of Article VII of
25 the Illinois Constitution.

1 Section 35. Regulation of checkout bags; home rule. A
2 municipality or county, including a home rule unit, may not
3 regulate in any manner the use, disposition, content,
4 taxation, or sale of any checkout bag, however defined, that
5 is provided by a retail mercantile establishment at the
6 checkout, cash register, point of sale, or other point of
7 departure to a consumer for the purpose of transporting goods
8 out of the retail mercantile establishment. This Section is a
9 denial and limitation of home rule powers and functions under
10 subsection (g) of Section 6 of Article VII of the Illinois
11 Constitution.

ORDINANCE 2024 - 2377

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, CHAPTER 10, "HEALTH AND SAFETY," BY ADDING A NEW PART 5 "PLASTICS".

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1. Chapter 10, "Health and Safety" is hereby amended by adding a new Part 5 "Plastics" in its entirety:

Part 5 PLASTICS

§ 10-501 Purpose and Intent.

The purpose of this Part is to encourage consumers and Commercial Establishments within the Borough to reduce the use and environmental impact of single-use plastics by promoting the use of reusable bags, utilizing alternatives to single-use plastic straws, and substituting other biodegradable products for polystyrene containers.

§ 10-502 Definitions.

For purposes of this Part, the following definitions shall apply:

BIODEGRADABLE BAG

Bags made from paper, bamboo, agave, polylactic acid (PLA), biopolymer, natural fiber, or other non-plastic content which are capable of being decomposed by bacteria or other living organisms.

BOROUGH

The Borough of Phoenixville.

COMMERCIAL ESTABLISHMENT

Any person, corporation, partnership, business venture, vendor, or retail sales establishment located within the Borough that regularly sells, rents, or provides food, merchandise, goods, or materials, whether perishable or nonperishable, for direct use or consumption and not for resale, whether or not for profit, including, but not limited to: restaurants (eat-in and/or take-out food), food trucks, farmers' markets, bars, hospitals, pharmacies, convenience and grocery stores, seasonal and temporary businesses or markets, service stations, delicatessens, retail stores, delivery services, or other similar nonresidential uses.

COMPLIANT BAG

The following:

1. Recyclable Paper Bag;
2. A Reusable Bag; or
3. Biodegradable Bag.

COMPLIANT STRAW

A straw or drink stirrer made from paper, bamboo, agave, or other non-plastic content.

CONSUMER

Any person, organization, or entity receiving goods or services from a Commercial Establishment.

POST-CONSUMER RECYCLED MATERIAL

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle.

PRODUCT BAG

A very thin bag without handles used as follows inside a Commercial Establishment:

1. A bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy, such as a produce bag;
2. A bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
3. A bag used solely to contain live animals, such as fish or insects sold in a pet store;
4. A bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag; or
5. A bag to contain or wrap flowers, potted plants, or similar items; or to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level.

DISTRIBUTE or PROVIDE

The vending, sale, giving, deployment, or delivering for any purpose of a single-use carry-out plastic bag, a single-use plastic straw, or polystyrene container whether or not incident to the sale, vending, or production of any merchandise or beverage.

POLYSTYRENE CONTAINER

A nonrecyclable plastic disposable food or drink container made of synthetic resin of polystyrene (one example is known as Styrofoam®) which is for single use and intended for serving or transporting ready-to-eat food or beverages. This definition includes cups, plates, trays, bowls, and hinged or lidded containers, but does not apply to cup lids.

RECYCLABLE

Material that can be sorted, cleansed and reconstituted using available recycling programs for the purpose of reusing the altered or converted waste for use in new materials.

RECYCLABLE PAPER BAG

A paper bag that meets all of the following criteria:

1. Is 100% recyclable; or
2. Contains no old growth fiber.

REUSABLE BAG

A bag that meets all of the following criteria:

1. Is designed and manufactured to withstand repeated uses over time;
2. Is made of cloth, fabric, cornstarch, or other non-plastic material that is specifically designed and manufactured for multiple reuses;
3. Is machine washable or can be cleaned and disinfected regularly; and
4. Has the capability of carrying a minimum of 18 pounds.

SINGLE-USE CARRY-OUT PLASTIC BAG

A bag that is made predominantly of plastic and is made using a blown-film extrusion process, provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. A single-use plastic carry-out bag shall not include any of the following:

1. Product bags;

2. Laundry or dry-cleaner bags, including bags provided by hotels to guests to contain wet or dirty clothing;
3. Bags used to contain a newspaper for home delivery;
4. Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags or pet waste bags; or
5. Any bags provided for use by a Commercial Establishment operated by the Commonwealth of Pennsylvania, or otherwise provided by a federal, Commonwealth, or local government agency.

SINGLE-USE PLASTIC STRAW OR STIRRER

A straw which is made predominantly of plastic and which is primarily intended for a single use. The term shall also include a plastic stirrer, a device used to mix beverages, intended for a single use, and made predominantly from plastic. The term single-use plastic straw or stirrer shall not include straws or stirrers composed of non-plastic materials, such as bamboo, sugar cane, agave, wood, or paper. The term single-use plastic straw or stirrer shall not include straws provided under any of the following circumstances:

1. When provided with a beverage on private property used as a residence;
2. When provided by a state, federal or local government agency;
3. When packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered, packaged or repackaged within the Borough; or
4. When provided as an assistance device to reasonably accommodate a disability.

STRAW

A tube designed or intended for transferring a beverage from its container to the mouth of the drinker by suction or for the stirring of a beverage.

§ 10-503 Single-Use Carry-Out Plastic Bags Restricted.

1. Restrictions on Single-Use Carry-Out Plastic Bags.

Except as provided in this section, beginning January 1, 2025, no Commercial Establishment or operator shall provide a single-use carry-out plastic bag to a consumer at the check-out, stand, cash register, point of sale, or other point of

departure for the purposes of transporting food or merchandise out of the Commercial Establishment.

2. Permitted Bags.

- A. A Commercial Establishment which collects a charge for a compliant bag shall exempt a consumer from the fee when that consumer uses an electronic benefits transfer (EBT) card or is using a payment card or voucher issued by the Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

3. Signage Requirement.

- A. From the effective date of this Part through January 1, 2025, Commercial Establishments shall be required to post at all check-out stands, cash registers, points of sale, or other points of departure from the Commercial Establishment, conspicuous signage which shall:

- (1) Inform consumers, patrons, or users of the Commercial Establishment that single-use carry-out plastic bags will no longer be provided by the Commercial Establishment as of the date the prohibition begins;
- (2) Explain what types of bags and uses are impacted; and
- (3) Provide any other information the Borough may require by regulation.

4. Permitted Bags and Carry-Outs.

- A. Nothing in this section shall be construed to prohibit consumers, patrons, or users of the Commercial Establishment from:
 - (1) Using bags of any type that the consumers, patrons, or users of the Commercial Establishment bring to the Commercial Establishment for their own use; or
 - (2) Carrying away from the Commercial Establishment by other means any items that are not placed in a bag provided by the Commercial Establishment.

- B. Nothing in this section shall be construed to prohibit the retail sale of compliant bags to consumers, patrons and users of the Commercial Establishment.

§ 10-504 Prohibition Against Single-Use Plastic Straws and Polystyrene Food Containers.

1. Beginning January 1, 2025, Commercial Establishments are prohibited from providing single-use plastic straws or polystyrene containers to a consumer, customer, patron, or user of the Commercial Establishment under any circumstance, unless subject to an exemption. The prohibition set forth in this section shall not apply to single-use plastic straws or polystyrene containers as follows:
 - A. Where multiple single-use plastic straws or polystyrene containers are grouped and sold in a single package, which package was prepared and sealed by the manufacturer of such items at the time of their manufacture;
 - B. Where an individual single-use plastic straw or polystyrene container is included as a part of a pre-packaged product where such single-use plastic straw or polystyrene containers is ancillary to the primary products, and such package was prepared and sealed by the manufacturer of such items at the time of their manufacture; or
 - C. Are ultimately sold to consumers for business use.

§ 10-505 Exemptions.

1. Borough Council may, in its sole discretion, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Part for a period of not more than one year from the effective date upon a finding by the Council that the requirements of this section would cause undue hardship to the Commercial Establishment. Borough Council may make a finding of undue hardship only in the following circumstances or situations, and any exemptions that may be provided by the Council pursuant hereto may, in the Council's discretion, contain conditions:
 - A. The Commercial Establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use carry-out plastic bags, single-use plastic straws, or polystyrene containers;
 - B. Compliance with the requirements of this section would deprive a Commercial Establishment of a legally protected right; or

- C. Additional time is necessary in order to draw down an existing inventory held by the Commercial Establishment of single-use carry-out plastic bags, single-use plastic straws, or polystyrene containers and a request for relief pursuant to this Subsection 10-505.1.C is submitted to the Borough within 180 days from the effective date of this Ordinance.

§ 10-506 Enforcement and Penalties.

1. The Borough Manager or their designee(s) shall have the primary responsibility for enforcement of this Part.
2. Failure of any Commercial Establishment, to comply with the provisions of this Part or any section thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay fines as set forth in this section, plus costs.
3. If the Borough Manager or their designee(s) determines that a violation under this section has occurred, and such violation is the first such violation of the Commercial Establishment noted hereunder, the Borough Manager or their designee(s) shall issue a written warning ("written warning") to the Commercial Establishment which shall notify the Commercial Establishment that the violation has occurred. No other written warning of any kind shall be required at any time under this Part.
4. If the Borough Manager or their designee(s) determines that a violation under this section has occurred, and such violation occurs after the Commercial Establishment has been previously warned pursuant to the preceding paragraph, then the first such violation subsequent to the written warning ("first violation") shall be punishable by a fine not to exceed \$25.
5. Each violation of the Commercial Establishment subsequent to the first violation and occurring within 12 months of the first violation ("initial twelve-month period") shall be punishable by a fine not to exceed \$50.
6. For the purposes of this section, a new twelve-month period will begin on the one-year anniversary of the most recent violation ("subsequent twelve-month period"). The first violation to occur after each subsequent twelve-month period shall be punishable by a fine not to exceed \$25 with each subsequent violation punishable by a fine not to exceed \$50.
7. The Borough may institute suits, in equity or at law, to restrain, prevent, or abate a violation of this section. Such proceedings may be initiated before any

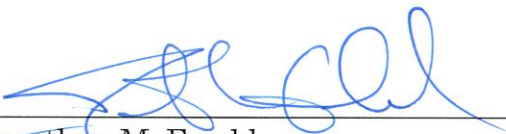
court of competent jurisdiction. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be provided by law.

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

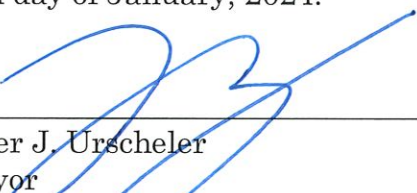
Section 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 9th day of January, 2024.

By: 
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 9th day of January, 2024.

By: 
Peter J. Urscheler
Mayor

ENACTED this 9th day of January, 2024.

By: 
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 9th day of January, 2024.

By: _____

E. Jean Krack
Borough Manager/Secretary

ORDINANCE 2024 - 2377

AN ORDINANCE AMENDING THE CODE OF THE BOROUGH OF PHOENIXVILLE, AS AMENDED, CHAPTER 10, "HEALTH AND SAFETY," BY ADDING A NEW PART 5 "PLASTICS".

The Council of the Borough of Phoenixville, Chester County, Pennsylvania, hereby ORDAINS that:

Section 1. Chapter 10, "Health and Safety" is hereby amended by adding a new Part 5 "Plastics" in its entirety:

Part 5 PLASTICS

§ 10-501 Purpose and Intent.

The purpose of this Part is to encourage consumers and Commercial Establishments within the Borough to reduce the use and environmental impact of single-use plastics by promoting the use of reusable bags, utilizing alternatives to single-use plastic straws, and substituting other biodegradable products for polystyrene containers.

§ 10-502 Definitions.

For purposes of this Part, the following definitions shall apply:

BIODEGRADABLE BAG

Bags made from paper, bamboo, agave, polylactic acid (PLA), biopolymer, natural fiber, or other non-plastic content which are capable of being decomposed by bacteria or other living organisms.

BOROUGH

The Borough of Phoenixville.

COMMERCIAL ESTABLISHMENT

Any person, corporation, partnership, business venture, vendor, or retail sales establishment located within the Borough that regularly sells, rents, or provides food, merchandise, goods, or materials, whether perishable or nonperishable, for direct use or consumption and not for resale, whether or not for profit, including, but not limited to: restaurants (eat-in and/or take-out food), food trucks, farmers' markets, bars, hospitals, pharmacies, convenience and grocery stores, seasonal and temporary businesses or markets, service stations, delicatessens, retail stores, delivery services, or other similar nonresidential uses.

COMPLIANT BAG

The following:

1. Recyclable Paper Bag;
2. A Reusable Bag; or
3. Biodegradable Bag.

COMPLIANT STRAW

A straw or drink stirrer made from paper, bamboo, agave, or other non-plastic content.

CONSUMER

Any person, organization, or entity receiving goods or services from a Commercial Establishment.

POST-CONSUMER RECYCLED MATERIAL

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle.

PRODUCT BAG

A very thin bag without handles used as follows inside a Commercial Establishment:

1. A bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy, such as a produce bag;
2. A bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
3. A bag used solely to contain live animals, such as fish or insects sold in a pet store;
4. A bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag; or
5. A bag to contain or wrap flowers, potted plants, or similar items; or to transport chemical pesticides, drain-cleaning chemicals, or other caustic chemicals sold at the retail level.

DISTRIBUTE or PROVIDE

The vending, sale, giving, deployment, or delivering for any purpose of a single-use carry-out plastic bag, a single-use plastic straw, or polystyrene container whether or not incident to the sale, vending, or production of any merchandise or beverage.

POLYSTYRENE CONTAINER

A nonrecyclable plastic disposable food or drink container made of synthetic resin of polystyrene (one example is known as Styrofoam®) which is for single use and intended for serving or transporting ready-to-eat food or beverages. This definition includes cups, plates, trays, bowls, and hinged or lidded containers, but does not apply to cup lids.

RECYCLABLE

Material that can be sorted, cleansed and reconstituted using available recycling programs for the purpose of reusing the altered or converted waste for use in new materials.

RECYCLABLE PAPER BAG

A paper bag that meets all of the following criteria:

1. Is 100% recyclable; or
2. Contains no old growth fiber.

REUSABLE BAG

A bag that meets all of the following criteria:

1. Is designed and manufactured to withstand repeated uses over time;
2. Is made of cloth, fabric, cornstarch, or other non-plastic material that is specifically designed and manufactured for multiple reuses;
3. Is machine washable or can be cleaned and disinfected regularly; and
4. Has the capability of carrying a minimum of 18 pounds.

SINGLE-USE CARRY-OUT PLASTIC BAG

A bag that is made predominantly of plastic and is made using a blown-film extrusion process, provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. A single-use plastic carry-out bag shall not include any of the following:

1. Product bags;

2. Laundry or dry-cleaner bags, including bags provided by hotels to guests to contain wet or dirty clothing;
3. Bags used to contain a newspaper for home delivery;
4. Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags or pet waste bags; or
5. Any bags provided for use by a Commercial Establishment operated by the Commonwealth of Pennsylvania, or otherwise provided by a federal, Commonwealth, or local government agency.

SINGLE-USE PLASTIC STRAW OR STIRRER

A straw which is made predominantly of plastic and which is primarily intended for a single use. The term shall also include a plastic stirrer, a device used to mix beverages, intended for a single use, and made predominantly from plastic. The term single-use plastic straw or stirrer shall not include straws or stirrers composed of non-plastic materials, such as bamboo, sugar cane, agave, wood, or paper. The term single-use plastic straw or stirrer shall not include straws provided under any of the following circumstances:

1. When provided with a beverage on private property used as a residence;
2. When provided by a state, federal or local government agency;
3. When packaged with beverages prepared and packaged outside of the Borough, provided such beverages are not altered, packaged or repackaged within the Borough; or
4. When provided as an assistance device to reasonably accommodate a disability.

STRAW

A tube designed or intended for transferring a beverage from its container to the mouth of the drinker by suction or for the stirring of a beverage.

§ 10-503 Single-Use Carry-Out Plastic Bags Restricted.

1. Restrictions on Single-Use Carry-Out Plastic Bags.

Except as provided in this section, beginning January 1, 2025, no Commercial Establishment or operator shall provide a single-use carry-out plastic bag to a consumer at the check-out, stand, cash register, point of sale, or other point of

departure for the purposes of transporting food or merchandise out of the Commercial Establishment.

2. Permitted Bags.

- A. A Commercial Establishment which collects a charge for a compliant bag shall exempt a consumer from the fee when that consumer uses an electronic benefits transfer (EBT) card or is using a payment card or voucher issued by the Supplemental Nutrition Assistance Program (SNAP) or Special Supplemental Nutrition Program for Women, Infants and Children (WIC).

3. Signage Requirement.

- A. From the effective date of this Part through January 1, 2025, Commercial Establishments shall be required to post at all check-out stands, cash registers, points of sale, or other points of departure from the Commercial Establishment, conspicuous signage which shall:

- (1) Inform consumers, patrons, or users of the Commercial Establishment that single-use carry-out plastic bags will no longer be provided by the Commercial Establishment as of the date the prohibition begins;
- (2) Explain what types of bags and uses are impacted; and
- (3) Provide any other information the Borough may require by regulation.

4. Permitted Bags and Carry-Outs.

- A. Nothing in this section shall be construed to prohibit consumers, patrons, or users of the Commercial Establishment from:
 - (1) Using bags of any type that the consumers, patrons, or users of the Commercial Establishment bring to the Commercial Establishment for their own use; or
 - (2) Carrying away from the Commercial Establishment by other means any items that are not placed in a bag provided by the Commercial Establishment.

- B. Nothing in this section shall be construed to prohibit the retail sale of compliant bags to consumers, patrons and users of the Commercial Establishment.

§ 10-504 Prohibition Against Single-Use Plastic Straws and Polystyrene Food Containers.

1. Beginning January 1, 2025, Commercial Establishments are prohibited from providing single-use plastic straws or polystyrene containers to a consumer, customer, patron, or user of the Commercial Establishment under any circumstance, unless subject to an exemption. The prohibition set forth in this section shall not apply to single-use plastic straws or polystyrene containers as follows:
 - A. Where multiple single-use plastic straws or polystyrene containers are grouped and sold in a single package, which package was prepared and sealed by the manufacturer of such items at the time of their manufacture;
 - B. Where an individual single-use plastic straw or polystyrene container is included as a part of a pre-packaged product where such single-use plastic straw or polystyrene containers is ancillary to the primary products, and such package was prepared and sealed by the manufacturer of such items at the time of their manufacture; or
 - C. Are ultimately sold to consumers for business use.

§ 10-505 Exemptions.

1. Borough Council may, in its sole discretion, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Part for a period of not more than one year from the effective date upon a finding by the Council that the requirements of this section would cause undue hardship to the Commercial Establishment. Borough Council may make a finding of undue hardship only in the following circumstances or situations, and any exemptions that may be provided by the Council pursuant hereto may, in the Council's discretion, contain conditions:
 - A. The Commercial Establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use carry-out plastic bags, single-use plastic straws, or polystyrene containers;
 - B. Compliance with the requirements of this section would deprive a Commercial Establishment of a legally protected right; or

- C. Additional time is necessary in order to draw down an existing inventory held by the Commercial Establishment of single-use carry-out plastic bags, single-use plastic straws, or polystyrene containers and a request for relief pursuant to this Subsection 10-505.1.C is submitted to the Borough within 180 days from the effective date of this Ordinance.

§ 10-506 Enforcement and Penalties.

1. The Borough Manager or their designee(s) shall have the primary responsibility for enforcement of this Part.
2. Failure of any Commercial Establishment, to comply with the provisions of this Part or any section thereof, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay fines as set forth in this section, plus costs.
3. If the Borough Manager or their designee(s) determines that a violation under this section has occurred, and such violation is the first such violation of the Commercial Establishment noted hereunder, the Borough Manager or their designee(s) shall issue a written warning ("written warning") to the Commercial Establishment which shall notify the Commercial Establishment that the violation has occurred. No other written warning of any kind shall be required at any time under this Part.
4. If the Borough Manager or their designee(s) determines that a violation under this section has occurred, and such violation occurs after the Commercial Establishment has been previously warned pursuant to the preceding paragraph, then the first such violation subsequent to the written warning ("first violation") shall be punishable by a fine not to exceed \$25.
5. Each violation of the Commercial Establishment subsequent to the first violation and occurring within 12 months of the first violation ("initial twelve-month period") shall be punishable by a fine not to exceed \$50.
6. For the purposes of this section, a new twelve-month period will begin on the one-year anniversary of the most recent violation ("subsequent twelve-month period"). The first violation to occur after each subsequent twelve-month period shall be punishable by a fine not to exceed \$25 with each subsequent violation punishable by a fine not to exceed \$50.
7. The Borough may institute suits, in equity or at law, to restrain, prevent, or abate a violation of this section. Such proceedings may be initiated before any

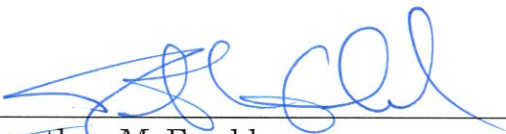
court of competent jurisdiction. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be provided by law.

Section 2. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of Borough Council that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

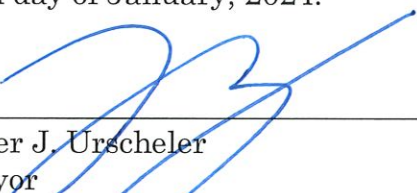
Section 3. All ordinances or parts of ordinances conflicting or inconsistent herewith are hereby repealed.

Section 4. This Ordinance shall become effective upon enactment as provided by law.

PASSED by Borough Council this 9th day of January, 2024.

By: 
Jonathan M. Ewald
President, Borough Council

APPROVED by the Mayor, this 9th day of January, 2024.

By: 
Peter J. Urscheler
Mayor

ENACTED this 9th day of January, 2024.

By: 
E. Jean Krack
Borough Manager/Secretary

I HEREBY CERTIFY that the foregoing is a true and correct copy of the said Ordinance duly adopted at a regular meeting of Borough Council held on the 9th day of January, 2024.

By: _____

E. Jean Krack
Borough Manager/Secretary

1. Upper Dublin Township

<https://www.upperdublin.net/government/single-use-plastic-bag-regulations>

Compliance

Retail establishments are required to be fully compliant with these regulations no later than September 8, 2024. After this date, businesses will be subject to:

- a written warning for a first offense,
- a civil penalty of \$100.00 for a second offense,
- a civil penalty of \$200.00 for a third offense, and
- a civil penalty of \$500.00 for a fourth or any subsequent offense.

§ 203-54. Enforcement. A. The Township Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. B. A person, store, or food service establishment that violates the requirements of this Chapter 203, Article V shall: (1) (2) (3) (4) be issued a written warning for a first offense; be subject to a civil penalty of \$100.00 for a second offense; be subject to a civil penalty of \$200.00 for a third offense; and be subject to a civil penalty of \$500.00 for a fourth or any subsequent offense. C. For the purposes of enforcement under this subchapter, an offense shall be each day a person, store, or food service establishment is violating a requirement of this Ordinance. D. In addition to the penalties set forth in this Article, the Township may seek legal, injunctive, or other equitable relief to enforce the requirements of this Article. E. The failure of the Township to enforce any provision of this Article shall not constitute a waiver by the Township of its rights to future enforcement hereunder.

If you are an Upper Dublin resident for whom this change is a hardship and you do not have enough reusable bags for your household, please email rlhoefer@upperdublin.net. The Township has a limited number of bags available to provide in this situation.

2. Upper Merion Township

<https://www.umtownship.org/landing-page-environment/singe-use-plastics-ordinance/>

5/6/25- email sent to EAC chair re: reporting and compliance.

See attached documents:

Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

UMT Single-Use-Plastic-Alternative-Products

3. Ambler Borough

§ 203-54. Enforcement. A. The Township Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article. B. A person, store, or food service establishment that violates the requirements of this Chapter 203, Article V shall: (1) (2) (3) (4) be issued a written warning for a first offense; be subject to a civil penalty of \$100.00 for a second offense; be subject to a civil penalty of \$200.00 for a third offense; and be subject to a civil penalty of \$500.00 for a fourth or any subsequent offense.

Borough of Ambler Plastics_Ordinance.pdf

Borough of Ambler Plastics-FAQs_23-01-27.pdf

4. Abington Township

<https://glensidelocal.com/abington-township-passes-ban-on-single-use-plastic-bags/>

5. <https://www.stamfordadvocate.com/news/article/stamford-single-use-plastics-20305120.php>
6. <https://www.insidernj.com/nj-republican-proposes-repealing-states-ban-on-plastic-bags-straws/>
7. <https://phoenixville.org/2858/Phoenixville-Plastic-Bag-Ban>

Bag Ban Tips For PXV Businesses

Post signs at the checkout that call attention to the fact that your business supports banning single-use plastic checkout bags, and that remind customers to remember their reusable or recycled bag.

This shows your customers you care about the environment and that your business is taking action to protect the health of our town. Studies show consumers want to use their purchasing power to support retailers that are environmentally conscious.

Do not automatically give bags at the checkout counter.

Always ask if your customer needs a bag. This will reduce the amount of bags you need to purchase, as customers end up skipping the bag more often than not.

Create an incentive system.

For example, you can encourage your customers to bring their reusable or recycled bag 10 times, and on the 10th time, they can get a free coffee or a free reusable bag that has your business logo on it, etc.



ORDINANCE NO. 2023-890

UPPER MERION TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA

AN ORDINANCE OF UPPER MERION TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE TO CREATE A NEW CHAPTER, SINGLE-USE PRODUCT REGULATIONS, TO REGULATE THE DISTRIBUTION AND USE OF SINGLE-USE CARRY-OUT BAGS, SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC UTENSILS, AND EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS; TO PROMOTE AND FACILITATE REUSABLE BAG, STRAW, UTENSIL, AND CONTAINER USE; AND TO ADD FINDINGS, DEFINITIONS, FEES, REQUIREMENTS, ENFORCEMENT, PENALTIES, AND EXEMPTIONS RELATING TO THE DISTRIBUTION AND USE OF SINGLE-USE CARRY-OUT BAGS, REUSABLE BAGS, SINGLE-USE PLASTIC STRAWS, SINGLE-USE PLASTIC UTENSILS, AND EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

WHEREAS, the Pennsylvania Second Class Township Code authorizes the Board of Supervisors of Upper Merion Township to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care, and control of the Township and the maintenance of peace, good government, health and welfare of the Upper Merion Township ("Township") and its citizens;

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the "Amendment"), provides that people have the right to clean air, pure water, and to the preservation of the natural, scenic, historic, and aesthetic values of the environment. Pennsylvania's public natural resources are the common property of all the people, including generations yet to come. As a Trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions, such as the Township, to: 1) prohibit the degradation, diminution, and depletion of the public natural resources, and 2) act affirmatively via legislative action to protect the environment. *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017);

WHEREAS, this ordinance is enacted to achieve the Township's duties under the Amendment by minimizing the degradation, diminution, and depletion of the public natural resources within the Township and to affirmatively enact legislation designed to protect the environment within and around the Township;

WHEREAS, for the reasons set forth in more detail below, the Board of Supervisors intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within and around the Township, by regulating the distribution of single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products within the Township;

WHEREAS, the Board of Supervisors has met the procedural requirements of the Second Class Township Code for the adoption of the proposed ordinance, including advertising and holding a public hearing; and

WHEREAS, the Board of Supervisors, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of Upper Merion Township will be served by this amendment of the Upper Merion Township Code to regulate the distribution of single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products within Upper Merion Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors of the Upper Merion Township, Montgomery County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

I. Code Amendment. A new Chapter entitled “Single-Use Product Regulations” is hereby added to Part II, General Legislation, of the Upper Merion Township Code to provide as follows:

SINGLE-USE PRODUCT REGULATIONS

§1. Purpose and Findings.

A. Purpose. The purpose of this Chapter is:

- (1) To reduce the use of single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products within the Township.
- (2) To curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within Upper Merion Township, and to preserve the natural, scenic, historic, and aesthetic values of Upper Merion Township.
- (3) To relieve the pressure on recyclers servicing the Township, who cite single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products as a major source of contamination and inefficiency within the recycling stream.
- (4) To relieve the pressure for Township utilized landfills to manage the disposition of single-use products.
- (5) To reduce consumption of and exposure to microplastics, forever chemicals, and other chemicals found in plastics that have been scientifically shown to lead to health issues, including hormonal imbalances, infertility, and cancer.
- (6) To encourage township residents and businesses to adopt innovative solutions to transition away from single-use plastic products in favor of more cost-effective, reusable alternatives and more sustainable single-use alternatives.

B. Findings.

- (1) The use of single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products has severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.
- (2) There are several commercial establishments within Upper Merion Township which provide single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products to their customers, sometimes without the request or the desire of the customers.
- (3) Single-use plastic bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products do not readily decompose.
- (4) Approximately one hundred billion single-use plastic bags are discarded by United States consumers each year. Given the difficulty of recycling these materials, less than 1 percent of single-use plastic bags are returned for recycling in the United States, and in Upper Merion Township, such bags are not curbside recyclable. Upper Merion residents alone are estimated to consume up to 18.5 million single-use bags each year.
- (5) Numerous studies have documented the prevalence of single-use plastic bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.
- (6) The taxpayers of Upper Merion Township pay the costs related to the cleanup of single-use plastic bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products from the roadways, trees, sewers, waters, and parks within the Township.
- (7) Recyclers cite single-use plastic bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products as a major source of contamination within the recycling stream, leading to increased costs to the Township and decreased efficiency.
- (8) From an overall environmental and economic perspective, the best alternative to single-use plastic bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products is a shift to reusable alternatives followed by single-use compostable or recyclable alternatives.
- (9) There are several alternatives to single-use bags, single-use plastic straws, single-use plastic utensils, and expanded polystyrene food service products readily available in and around Upper Merion Township.
- (10) It is recognized that single-use paper bag manufacturing, transportation and resource consumption also affect the environment, but they are biodegradable, single-stream recyclable, and provide a practical retail establishment alternative consistent with most local

and state single-use plastic regulations and prohibitions. Although preferable to single-use plastic bags, eventually the overall effects of producing, providing, and allowing single-use paper bags should also be mitigated to reduce waste, litter, and natural resource depletion by encouraging, facilitating and promoting reusable bag use.

- (11) An important goal of Upper Merion Township is to procure and use sustainable products and services.
- (12) An important goal of Upper Merion Township is to preserve the natural, scenic, historic, and aesthetic values of Upper Merion Township.
- (13) It is Upper Merion Township's desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.
- (14) Studies and past experiences have shown that prohibiting the distribution of single-use plastic bags at the point of sale and placing a mandatory charge on other single-use bags reduces plastic litter and use of single-use bags and promotes the use of reusable bags.
- (15) As required by the Environmental Rights Amendment to the Pennsylvania Constitution, it is incumbent upon the Township to preserve the natural, scenic, historic, and aesthetic values of the Township.
- (16) It is the duty of the Board of Supervisors to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.

§2. Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

CUSTOMER – Any person purchasing goods or services from a Commercial Establishment, whether directly or through a delivery service. A Customer shall include a person receiving goods from a Commercial Establishment to deliver to another person who purchased such goods.

COMMERCIAL ESTABLISHMENT - Any store or retail establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the Upper Merion Township. Commercial Establishments include, but are not limited to, a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, delicatessen, service station, a temporary or seasonal market or vendor, food truck, convenience food store, food mart, or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises or delivered off premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.

EXPANDED POLYSTYRENE - Blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including: fusion of polymer spheres, known as expandable bead polystyrene; injection molding; foam molding; and extrusion-blow molding, also known as extruded foam polystyrene. Styrofoam shall be included as Expanded Polystyrene.

EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT – A product made of synthetic resin of polystyrene or expanded polystyrene that is used for selling, providing, or transporting food or beverages including, but not limited to, food containers (including “clamshell”, hinged, or lidded packaging/food containers), plates, hot and cold beverage cups, and/or trays. However, an Expanded Polystyrene Food Service Product shall not include:

- a. food, beverages, or other items that have been packaged in Expanded Polystyrene outside the Upper Merion Township for general distribution;
- b. a product made of Expanded Polystyrene that is used to package raw, uncooked, or buttered meat, fish, poultry, or seafood;
- c. a package or container containing multiple Expanded Polystyrene Food Service Products packaged by the manufacturer at the time of manufacturing and sold for home or business use.

OPERATOR – A person in control of, or having responsibility for, the operation of a Commercial Establishment, which may include, but is not limited to, the owner or manager of the Commercial Establishment.

PLASTIC – A synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.

PRODUCT BAG – Any bag without handles used for the following purposes:

- a. to carry meats, vegetables, fruits, or other similar perishable, raw, or uncooked food item to the point of sale inside a Commercial Establishment;
- b. to package and carry bulk items such as dried fruits or vegetables, nuts, grains, or candy;
- c. for reasons of public health and safety, to prevent food items from coming into direct contact with other purchased items or a person's skin;
- d. to contain hot, prepared foods;
- e. to contain or wrap flowers, potted plants, or similar items;
- f. a bag used solely to contain live animals, such as fish or insects sold at a pet store; or

- g. to transport caustic chemicals sold at a retail level.

RECYCLED PAPER BAG – A paper bag that meets the following requirements:

- a. contains no old growth fiber;
- b. contains a minimum of 40% post-consumer recycled content; and
- c. is labeled in a visible manner as “recyclable” with the percentage of post-consumer recycled content of the bag.

REUSABLE BAG – A bag that meets the following criteria:

- a. Is designed and manufactured to withstand repeated uses over time;
- b. Is machine washable or made from a material that can be readily cleaned and disinfected; and
- c. Is designed and manufactured to have the capability of carrying a minimum of eighteen (18) pounds.

SINGLE-USE PLASTIC BAG - Any bag that is made predominantly of plastic and is made using a blown-film extrusion process, other than a Reusable Bag, as defined below, provided at the check-out stand, cash register, point of sale, or other point of departure for the purpose of transporting food or merchandise out of the establishment. The term does not include Reusable Bags or Recycled Paper Bags. This definition specifically exempts the following from the category of Single-Use Plastic Bags:

- a. Product Bags;
- b. a bag sold in packaging containing multiple bags and packaged at the time of manufacturing, including food storage bags, garbage bags, or pet waste bags;
- c. newspaper delivery bags;
- d. a bag provided by a state, federal or local government agency;
- e. laundry or dry cleaner bags.

SINGLE-USE PLASTIC STRAW - A Straw provided by a Commercial Establishment that is primarily made of Plastic, and not including Straws composed of non-plastic materials such as bamboo, sugar cane, agave, corn, wood, hay or paper. In addition, a Single-Use Plastic Straw shall not include the following:

- a. Straws packaged with beverages prepared and packaged outside of the Township, provided such beverages are not altered, packaged or repackaged within the Township.

- b. Straws provided with a beverage on private property used as a residence;
- c. When provided by a state, federal or local government agency;
- d. a package or container containing multiple Single-Use Plastic Straws packaged by the manufacturer at the time of manufacturing and sold for home or business use.
- e. When provided as an assistive device to reasonably accommodate a disability.

SINGLE-USE PLASTIC UTENSIL - A Utensil provided by a Commercial Establishment that is made predominantly of Plastic, and not including Utensils composed of non-plastic materials such as bamboo, sugar cane, agave, cornstarch, plant matter, or wood. In addition, Single-Use Plastic Utensils shall not include the following:

- a. When provided with food on private property used as a residence;
- b. When provided by a state, federal or local government agency;
- c. When packaged with food prepared and packaged outside of the Township, provided such food products are not altered, packaged or repackaged within the Township;

STRAW - a tube designed or intended for transferring a beverage from its container to the mouth of the drinker by suction or for the stirring of a beverage. A Straw shall include drink stirrers, devices used to mix beverages, and splash sticks, even if such items are not in the form of a tube.

UTENSIL - A device designed or intended for transferring food from its container to the mouth of the consumer. A Utensil shall include forks, spoons, knives, sporks, and chopsticks.

§3. Single-Use Plastic Bags.

Effective January 1, 2024, Commercial Establishments are prohibited from providing a Single-Use Plastic Bag to a Customer. This prohibition applies to Single-Use Plastic Bags provided for the purpose of carrying goods away from the point-of-sale of a Commercial Establishment and to takeout deliveries, including deliveries utilizing a delivery service, from a Commercial Establishment located within Upper Merion Township. The point-of-sale in such transactions is deemed to be at the Commercial Establishment, regardless of where ordering or payment for the transaction physically occurs.

§4. Recycled Paper Bags.

- (1) Effective January 1, 2024, Commercial Establishments are prohibited from providing a non-Recycled Paper Bag to a Customer at the Commercial Establishment or through a delivery service.
- (2) A Commercial Establishment may provide a Customer a Recycled Paper Bag at the point of

sale if the bag is provided to the Customer for a charge of not less than ten cents (\$0.10) per bag. A Commercial Establishment may opt out of such charge for prepaid takeout orders or deliveries. Commercial Establishments shall post signage that is visible to Customers at the point of sale that advises the Customers of the per bag charge.

- (3) All monies collected by the Commercial Establishment under this Chapter for provision of a Recycled Paper Bag shall be retained by the Commercial Establishment.
- (4) Any charge for a Recycled Paper Bag shall be separately stated on a receipt provided to the Customer at the time of sale and shall be identified on the receipt.
- (5) A Commercial Establishment shall not be permitted to waive, rebate, or otherwise reimburse a Customer for any portion of the Recycled Paper Bag fee in a manner that results in a charge less than the minimum required hereunder unless the Customer is effectuating payment through an Electronic Benefits Transfer (EBT) card, a payment or voucher issued by/through the Supplemental Nutrition Assistance Program (SNAP), the Special Supplemental Nutrition Program for Women, Infants and Children (WIC), or a similar government assistance program related to retail food purchases.

§5. Single-Use Plastic Straws.

Effective January 1, 2024, Commercial Establishments are prohibited from providing a Single-Use Plastic Straw to a Customer at the Commercial Establishment or through a delivery service, except upon the request of the Customer.

§6. Expanded Polystyrene Food Service Products.

Effective January 1, 2024, Commercial Establishments are prohibited from providing an Expanded Polystyrene Food Service Product to a Customer at the Commercial Establishment or through a delivery service.

§7. Single-Use Plastic Utensils.

Effective July 1, 2024, Commercial Establishments are prohibited from providing Single-Use Plastic Utensils to a Customer at the Commercial Establishment or through a delivery service.

§8. Reusable Bags.

- (1) A Commercial Establishment may provide a Reusable Bag to a Customer at or before the point of sale if the Reusable Bag is provided to the Customer for a charge of not less than ten cents (\$0.10) per bag.
- (2) All monies collected by a Commercial Establishment under this Chapter for provision of a Reusable Bag may be retained by the Commercial Establishment.
- (3) Any charge for a Reusable Bag shall be separately stated on a receipt provided to the Customer at the time of sale and shall be identified on the receipt.

- (4) Customers may use bags of any type that they bring to the Commercial Establishment themselves for the purpose of carrying goods or other materials away from the point of sale, without incurring any charges for such bag. In addition, Customers shall be permitted to carry away purchased items without a bag.
- (5) Nothing in this Section shall be construed to prohibit the retail sale of Reusable Bags to Customers. In addition, nothing in this Section shall prohibit the free distribution of Reusable Bags by entities that are not Commercial Establishments for promotional purposes or by Commercial Establishments, for promotional purposes, in instances where the Commercial Establishment is not selling its goods.
- (6) A Commercial Establishment shall not be permitted to waive, rebate, or otherwise reimburse a Customer for any portion of the Reusable Bag fee in a manner that results in a charge less than the minimum required hereunder.

§9. Temporary Signage Requirement.

Beginning sixty (60) days after the enactment date of this Ordinance, and for six (6) months after the effective dates set forth above, Commercial Establishments shall post conspicuous signage at all points of sale informing Customers of the following:

- (1) that Single-Use Plastic Bags, non-Recycled Paper Bags, Plastic Straws, Single-Use Plastic Utensils and Expanded Polystyrene Food Service Products will no longer be provided by the Commercial Establishment as of the date the above stated prohibitions;
- (2) the mandatory, minimum charge (or the desired higher charge, if a higher charge is desired by the Commercial Establishment) for a Recycled Paper Bag provided by the Commercial Establishment;
- (3) the date such charges for Recycled Paper Bags will commence;
- (4) what types of bags and purchases are impacted; and
- (5) any other information Upper Merion Township may require by regulation.

§10. Exemptions.

The Township Manager or their designee may, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Chapter for a period of one (1) year from the effective date of this Ordinance upon a finding by the Township Manager or their designee that the requirements of this Chapter would cause undue hardship to the Commercial Establishment. An "undue hardship" shall be found only if the Commercial Establishment demonstrates one or more of the following:

- (1) that it has a unique circumstance or situation such that there are no reasonable alternatives to the use of Single-Use Plastic Bags or Expanded Polystyrene Food Service Products;
- (2) Compliance with this Chapter would deprive the Commercial Establishment of a legally

protected right, with such right being specifically identified by the Commercial Establishment;

- (3) Additional time is necessary to deplete an existing inventory held by the Commercial Establishment, as of the effective date of this Ordinance, of Single-Use Plastic Bags or Expanded Polystyrene Food Service Products;

§11. Enforcement.

- (1) The Township Manager or their designee has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations to enforce the provisions thereof, including, but not limited to, investigating and reporting violations and issuing verbal or written warnings and/or fines.
- (2) Any Operator and/or Commercial Establishment that violates or fails to comply with any of the requirements of this Chapter, after an initial written warning notice has been issued for that violation, shall be in violation and subject to the penalties established herein.
- (3) Any Operator and/or Commercial Establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in §9 above if the warning is issued within a year of the effective date of this Ordinance.
- (4) After a written warning is issued, and if additional violations occur, an Operator and/or a Commercial Establishment shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a non-traffic summary offense and shall be punishable by a fine as set forth below, plus court costs and reasonable attorneys' fees incurred by the Township through enforcement proceedings. The fines for violations of this Chapter shall be as follows:
 - (a) \$50.00 for a first offense occurring within twelve months of the written warning;
 - (b) \$100.00 for a second offense occurring within twelve months of the first offense;
and
 - (c) \$250.00 for a third offense occurring within twelve months of the second offense,
and for each subsequent offense occurring within twelve months of the immediately prior offense.
- (5) For the purposes of enforcement under this Chapter, a separate offense shall occur each day an Operator and/or Commercial Establishment is violating a requirement of this Chapter. In addition, penalties may be imposed against both, or either, the Operator and/or the Commercial Establishment for the same violation of this Chapter.
- (6) In addition to or in lieu of the penalties set forth in this Chapter, Upper Merion Township may seek additional legal, injunctive, or other equitable relief to enforce this Chapter.
- (7) The penalty provisions of this Chapter shall not limit the ability of the Township to enforce other Township ordinances and to utilize the penalties, remedies and procedures provided

under such other Township ordinances and/or Federal or Commonwealth laws.

SECTION II. Severability. The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part, or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, the Upper Merion Township Board of Supervisors hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance, and the remainder of the Ordinance shall remain in force.

SECTION III. Repealer. Any and all other ordinances or parts of ordinances in conflict with the terms, conditions and provisions of this ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION IV. Effective Date. This Ordinance shall become effective upon enactment as provided by law, with enforcement of this Ordinance to occur on the specific date(s) set forth in Section I above.

SECTION V. Failure to Enforce Not a Waiver. The failure of Upper Merion Township to enforce or delay enforcement of any provision of this Ordinance shall not constitute a waiver by Upper Merion Township of its rights to future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Supervisors of Upper Merion Township, Montgomery County, Pennsylvania, this 13 day of July, 2023.

ATTEST:

**UPPER MERION TOWNSHIP
BOARD OF SUPERVISORS**

By: 
Anthony Hamaday, Township Secretary

By: 
Tina Garzillo, Chair
Upper Merion Township
Board of Supervisors

Advertised Ordinance in Times Herald: 6/28/23
Proof of Publication Dated: 6/28/23
Hearing Held: 7/13/23
Ordinance Adopted 7/13/23 as Ordinance No. 2023-890
Ordinance Entered: 7/18/23



“Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

Where can I read the plastic pollution reduction ordinance?

The ordinance and additional information is available [here](#).

Why was this ordinance passed?

Single-use plastic waste – like plastic bags, straws, utensils, and expanded polystyrene – are harmful to the environment and human health while being immensely costly to taxpayers. Regulation minimizes plastic pollution, litter, waste, environmental impacts, and waste management costs. The ordinance was required to curb unnecessary distribution of these materials in our community. Upper Merion residents are concerned about environmental issues and want to be a part of the solution.

Additional reasons for adopting the ordinance include:

- Reduction of the estimated 18.5 million plastic bags used by Upper Merion residents annually
- Reduction of the over 2.75 tons of litter collected in our community by the Public Works Department annually
- Removal of plastics, and microplastics, from our waterways and reduction of the pollution impacting our stormwater treatment facilities
- Encouraging residents and businesses to create innovative solutions to the growing problems of single-use products

This ordinance was also enacted to achieve the Township’s duties under the Environmental Rights Amendment to the Pennsylvania Constitution to preserve the natural, scenic, historic, and aesthetic values of the Township by minimizing the degradation, diminution, and depletion of the public natural resources within the Township and to affirmatively enact legislation designed to protect the environment within and around the Township.

What is covered in this ordinance?

This ordinance applies to bags, straws, stirrers, utensils, and expanded polystyrene, which add up to be some of most wasteful items that present waste management and litter issues. Businesses should examine and refine practices around all single-use items – not just those in the ordinance – to eliminate waste, litter, and other waste-management issues to avoid the need for future ordinances.



“Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

When does this ordinance go into effect?

The ordinance was passed in July 2023 and will go into effect in two phases.

Phase one, encompassing single-use plastic bags, single-use plastic straws and drink stirrers, and expanded polystyrene food service products, went into on effect January 1, 2024.

Phase two, encompassing single-use plastic utensils, goes into effect on July 1, 2024.

Can I use my stock of plastic supplies before making the switch?

Existing stocks of supplies can be used up to the date in which the ordinance goes into effect without repercussions.

How do I know if the paper bags I am using are acceptable?

Bags distributed to customers must consist of 40% recycled content and be either recyclable in curbside programs or compostable. Most product descriptions include the percentage of recycled content, but if not, your supplier will be able to provide the recycled content for any product they provide.

What happens if a customer doesn’t bring a reusable bag into my business?

The business can offer a compliant bag (as defined by the Ordinance, for example – a paper bag made of 40% recycled material) but must charge a fee of at least \$0.10 per bag and the fee must be shown on the customer’s receipt. Businesses can also offer reusable bags that are specifically designed and manufactured for many reuses. Cotton, jute, renewable fibers, or recycled plastic are great choices.

Who is getting the \$0.10 fee per paper bag? Do I have to charge customers for this?

Businesses keep the \$0.10 (minimum) fee. The purpose of the fee is two-fold: first, to offset any added costs from switching to a more sustainable bag; and second, to encourage customers to bring their own bag or skip an unnecessary one. The intent of the ordinance is not to transition to paper bags, but to eliminate wasteful distribution of unnecessary bags of all materials.

My business was already using paper bags before the ordinance went into effect, do I still need to charge a fee?

Yes, a minimum \$0.10 per bag fee still needs to be charged even if your business was using paper bags before the ordinance. As mentioned above, this is to encourage consumers to bring their own reusable bags, rather than using single-use bags.



“Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

How can consumers avoid the \$0.10 fee on paper bags?

To avoid the fee, residents can simply bring their own reusable bags to use at checkout or pickup.

If I do not use paper bags at the establishment, will I be charged?

NO. If you do not use paper bags, then you should not be charged a fee by the business. If you are being charged a fee for paper bags but not using paper bags, please provide this information to the township so the situation can be remedied.

What happens if a resident doesn't have a reusable bag?

Obtaining a free reusable shopping tote couldn't be easier. While supplies last, you can pick one up at various locations within the Township, including:

- The cashier's window and the administration receptionist's window on the upper level of the Township building.
- The permits window on the lower level of the Township building.
- The customer service counter in the Community Center.

This transition towards sustainability wouldn't have been possible without the support of our generous sponsors, Whitetail Disposal and the Police and Fire Federal Credit Union. Their contributions have made the purchase of these reusable totes for Upper Merion residents possible.

Does the bag fee need to be charged for takeout and delivery?

Due to the difficulty in anticipating bag usage, businesses may opt-out of charging for takeout orders or deliveries that are **prepaid** outside the physical location of the establishment (e.g. third-party app, phone, etc.). Any takeout or delivery order that is paid upon receipt of the order will require the bag fee to be included.

If I offer an e-receipt, does the fee still need to be displayed?

YES.

What is the fine for violating this ordinance?

Businesses violating the terms of the ordinance will first be warned in writing, then fined \$50 for the first violation, \$100 for the second violation, then \$250 for the third and successive violations.



“Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

How will the ordinance be enforced?

Enforcement of the ordinance will be resident driven. If a resident or consumer notices that a business is not adhering to the terms of the ordinance, the resident can put in a “Request for Service” on [MyUMT](#). Our Code Enforcement department will then review the material and proceed with notifications of any violations.

Are any types of bags exempted by the ordinance?

Plastic bags without handles may be provided for the following common purposes:

- Product bags – very thin bags (without handles) used to wrap foods to prevent contamination (e.g. bags found in the meat, produce, or bulk food section of grocery stores)
- Newspaper bags—bags used in the home delivery of newspapers and/or circulars
- Bags sold in packages containing multiple bags intended for use as food storage bags, garbage bags, or pet waste bags
- Laundry/dry-cleaning bags
- Bags to contain hot, prepared foods
- Any other plastic bag made by the blown-film extrusion process will no longer be allowed.

This ordinance represents a unique challenge to my *family*. Can I be exempted?

If you or someone you know makes purchases through EBT, SNAP, WIC, or a similar program, you will be exempt from paying the fee for paper bags. Additionally, reusable bags will be offered free of charge (while supplies last) by Upper Merion Township if you would like to avoid using single-use bags.

This ordinance represents a unique challenge to my *business*. Can I be exempted?

Businesses with unique challenges can petition the Upper Merion Township Manager for an exemption. More information can be found [here](#).

My business is having difficulty finding alternatives – can you help?

The Upper Merion Environmental Advisory Council has provided a list of alternatives that can be used as a starting point. More information on alternatives can be found [here](#).



“Single-Use Product Regulations” Ordinance FREQUENTLY ASKED QUESTIONS

What if I require the use of a single-use plastic straw?

If you or someone you know requires the use of a plastic straw due to a disability or medical need, you can request that a Commercial Establishment provide a plastic straw. Equivalent, non-plastic sustainable alternative products can also be offered for use by the business. This ordinance would also not restrict consumers that need a straw from bringing their own single-use plastic straw or their own alternative, reusable straw.

As a food service company, do I decline a customer who asks for a single-use plastic straw?

No, if a customer asks for a single-use plastic straw and there are no equivalent, non-plastic sustainable alternative products available, the food service company must provide the straw to the customer without question or cost. This is due to certain medical conditions requiring the use of a straw for drinking purposes.

Are there non-paper, plastic-like straws that adhere to the ordinance?

Yes. In fact, there are many straws on the market today that can be easily mistaken for plastic but are in fact sustainable alternatives. Please see the following link for more information on alternatives.

Can my business provide straws and utensils made from compostable polylactic acid (cPLA) or polylactic acid (PLA) since they are made from plants?

Unfortunately, even though cPLA and PLA are made from plants, they are still considered plastic products per the ordinance and leading researchers. For this reason, they are not allowed to be used as a replacement product for straws and utensils. For a list of compliant and high-quality products, please see the following link.

What else can I do to reduce plastic pollution?

You can reduce your plastic use in many other ways:

- Buy produce and fresh food without plastic packaging
- Use nylon or string bags to hold your produce purchases rather than plastic produce bags
- Buy in bulk when you can and bring your own containers
- If you eat out and expect to need a 'doggie bag', bring your own containers to put your unfinished meals in

The more of these habits you learn, the more ways you'll find to keep reducing single-use plastics from your life! The planet will thank you!

Who do I contact if I have more questions?

More information can be found [here](#) and you can e-mail umt.eac@gmail.com.



“Single-Use Product Regulations” Ordinance ALTERNATIVE PRODUCTS

ALTERNATIVES for PLASTIC STRAWS AND UTENSILS

What is working?

Popular, high-quality examples include stainless steel, agave, paper, bamboo, pasta, seaweed, hay, grass, phade (PHA), vegetable fibers, and more. In fact, many options on the market now look and feel exactly like plastic – no more soggy straws!

Here are some links to good products:

- Agave straws: <https://avolutions-inc.myshopify.com>
- Paper straws: <https://aardvarkstraws.com>
- Veggie fiber straws/utensils: <https://theveggiestraws.com>
- PHA straws: <https://www.goodstartpackaging.com/pha-marine-degradable-straws/>
- Phade (PHA) straws: <https://www.phadeproducts.com/straws/>
- Hay straws/stirrers: <https://www.haystraws.com/pages/shop-hay-straws-home-and-wholesale>
- Hay cutlery: <https://www.haystraws.com/pages/shop-hay-straws-home-and-wholesale>
- Bamboo cutlery: <https://store.worldcentric.com/store/cutlery/bamboo-cutlery>
- Pasta straws: <https://stroodles.co.uk>
- Seaweed straws: <https://www.loliware.com/straw>
- Plant straws/cutlery: <https://holycitystrawcompany.com>
- Grass straws: <https://freshstraws.com>
- Agave/wheat/reed straws: <https://crewsupplyco.com/products/bulk-straws>

What isn't working and what is non-compliant?

Certain products on the market claim to be “sustainable”, but they are not actually a sustainable alternative and are non-compliant per our ordinance. Many products – primarily cPLA and PLA – claim to be compostable but are not actually compostable in normal composting conditions. Here are products that aren't working out in our community:

- Anything made of plastic
- Any straw or utensil made of polylactic acid (cPLA or PLA)
 - Most common example of cPLA/PLA includes the “EcoChoice” brand
 - Note – many cPLA/PLA products are deceptively labeled as “Compostable”, but studies show these products are extremely hard, if not impossible, to compost
 - Please see the following link for non-compliant options:
<https://www.webstaurantstore.com/search/ecochoice.html?category=635&filter=material:cpla-plastic:pla-plastic&multi=true>

ALTERNATIVES for POLYSTYRENE CONTAINERS

What is working?

Much like utensils and straws, the best alternatives are made from plant-based materials. Examples include paper, sugarcane, foil, bamboo, reusable plastics, and more.

What isn't working?

Anything made from expanded polystyrene food containers are no longer compliant in Upper Merion. Other polystyrene containers (#6 plastic) are also not compliant per the ordinance since there are very few recycling centers that process polystyrene.

For any questions or clarifications regarding a product your business may be considering, please feel free to reach out to UMT.EAC@gmail.com for guidance.

AN ORDINANCE

NO. 24-1389

AN ORDINANCE Amending The Code of Upper Dublin Township, Part II, General Legislation, By Amending The Title Of Chapter 203 "Solid Waste" To Chapter 203 "Health And Sanitation," And by Adding A New Chapter 203, Article V "Single Use Plastic Regulations," Prohibiting Retail Establishments From Providing Single Use Carry-Out Plastic Bags to Customers, Setting Forth The Purposes Of Such Prohibition And Related Findings, Definitions And Requirements, And Providing For The Enforcement Of The Regulations, Including The Imposition Of Penalties; And, Repealing All Inconsistent Ordinances Or Parts Thereof In Conflict Therewith; And, Providing A Severability Clause And An Effective Date.

WHEREAS, Upper Dublin Township, Montgomery County, Pennsylvania (hereinafter the "Township") is a Township of the First Class, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the First Class Township Code authorizes the Board of Commissioners ("Board") of Upper Dublin Township to make, amend, and adopt ordinances that are consistent with the constitution and laws of the Commonwealth when necessary for the proper management, care and control of the Township and the maintenance of peace, good government, health and welfare of the Township and its citizens; and

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the "Amendment"), provides that people have the right to clean air, pure water and to the preservation of the natural, scenic, historic, and aesthetic values of the environment; Pennsylvania's public natural resources are the common property of all the people, including generations yet to come; as a Trustee of these resources, the Commonwealth and its political subdivisions shall conserve and maintain these resources for the benefit of all the people; and

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions such as the Township: one is to prohibit the degradation, diminution, and depletion of the public natural resources; and, the second is to act affirmatively *via* legislative action to protect the environment, *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017); and

WHEREAS, this Ordinance is enacted to achieve the Township's duties under the Amendment by minimizing the degradation, diminution, and depletion of the public natural resources and to affirmatively enact legislation designed to protect the environment; and

WHEREAS, for the reasons set forth in more detail below, the Board intends to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources

and common property within the Township, by regulating the distribution of single-use plastic bags within the Township; and

WHEREAS, the Board after due consideration of the proposed Ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of the Township will be served by this amendment of the Township Code to regulate the distribution of single-use plastic bags within the Township.

NOW, THEREFORE, it is ordained and enacted by the Board of Commissioners of the Township of Upper Dublin that:

Section 1. The Code of Upper Dublin Township, Part II: General Legislation, Chapter 203 Solid Waste, is hereby amended by changing the title of Chapter 203 to Chapter 203 “Health and Sanitation.”

Section 2. The Code of Upper Dublin Township, Part II: General Legislation, Chapter 203, entitled Health and Sanitation, shall be amended by adding a new Article V entitled “Single Use Plastic Regulations” to provide as follows:

* * * * *

Article V Single Use Plastic Regulations

§ 203-48 Purpose and Findings.

A. Purpose

- (1) The purpose of this Article is to reduce the use of single-use plastic bags by retail establishments within the Township.
- (2) To curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments, reduce greenhouse gas emissions, reduce solid waste generation, promote the use of reusable, compostable, and recyclable materials within the Township, and to preserve the natural, scenic, historic, and esthetic values of the Township.
- (3) To relieve the pressure for landfills and resource recovery facilities to manage the disposition of single-use products.

B. Findings

- (1) The use of single-use plastic bags has severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife and aquatic life, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.
- (2) There are numerous retail establishments within the Township which provide single-use plastic bags to their customers.

(3) The majority of such single-use plastic bags are made from plastic or other material that does not readily decompose.

(4) Approximately one hundred billion single-use plastic bags are discarded by United States consumers each year. Given the difficulty of recycling these materials, less than 1 percent of single-use plastic bags are returned for recycling in the United States and in the Township, such bags are not curbside recyclable.

(5) Numerous studies have documented the prevalence of single-use plastic bags littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.

(6) The taxpayers of the Township pay the costs related to the cleanup of single-use plastic bags from the roadways, trees, sewers, waters, and parks within the Township.

(7) From an overall environmental and economic perspective, the best alternative to single-use plastic bags is a shift to reusable bags or recyclable paper bags.

(8) There are several alternatives to single-use plastic bags readily available in and around the Township.

(10) An important goal of the Township is to procure and use sustainable products and services.

(11) An important goal of the Township is to preserve the natural, scenic, historic, and esthetic values of the Township.

(12) It is the Township's desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife and aquatic life, all of which increases the quality of life for the Township's residents and visitors to the Township.

(13) As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Board seeks to preserve the natural, scenic, historic, and aesthetic values of the Township.

(14) It is the Board's desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution and to protect the public health and welfare, including wildlife and aquatic life, all of which increases the quality of life for the Township's residents and visitors.

§ 203-49. Definitions.

CUSTOMER - Any person purchasing goods or services from a Retail Establishment.

EFFECTIVE DATE - The effective date of this ordinance is one hundred and eighty (180) days from adoption by the Board of Commissioners of Upper Dublin Township.

EXEMPTED BAG - A bag used inside a retail establishment by a customer to deliver perishable items to the point-of-sale at that establishment. "Exempted bag" shall include:

- (1) a bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy;
- (2) a bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
- (3) a bag used solely to contain live animals, such as fish or insects sold in a pet store; or
- (4) a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag.

NON-RECYCLABLE PAPER BAG – A non-recyclable paper bag means a paper bag that is not a recyclable paper bag.

PLASTIC - A synthetic material made from linking monomers through a chemical reaction to create a polymer chain that can be molded or extruded at high heat into various solid forms that retain their defined shapes during their life cycle and after disposal, including material derived from either petrochemicals or a biologically based polymer, such as corn or other plant sources.

RECYCLABLE PAPER BAG - A paper bag that meets the following, but not including an exempted bag:

- (1) Is 100% recyclable;
- (2) contains no old growth fiber;
- (3) contains a minimum of 40% post-consumer recycled content; and
- (4) Displays the word "Recyclable" in a highly visible manner on the outside of the bag and is labeled in a highly visible manner on the outside of the bag with the name of the manufacturer, the location where manufactured, and the percentage of post-consumer recycled content of the bag in an easy-to-read font size.

RETAIL ESTABLISHMENT - Any store, commercial establishment, or any other location that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of Upper Dublin Township. Retail establishments include, but are not limited to: a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart, food truck, or other commercial entity engaged in the retail sale of a limited line of goods such as milk, bread, soda and snack foods; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.

REUSABLE BAG - A carryout bag that is designed and manufactured for multiple uses and is: (a) made of cloth or other machine-washable fabric that has stitched handles; or (b) a polypropylene bag that has stitched handles.

SINGLE-USE PLASTIC BAG/NON-REUSABLE PLASTIC BAG - A bag made from plastic through a blown-film extrusion process, but not including a reusable bag or an exempted bag.

§ 203-50. Single-use plastic bags and non-reusable plastic bags prohibited.

Beginning after the effective date, retail establishments are prohibited from providing a single-use plastic bag or a bag that does not qualify as a reusable bag to a customer at the retail establishment or through a delivery.

§ 203-51. Single-use paper bags prohibited.

- A. Beginning after the effective date, retail establishments are prohibited from providing a non-recyclable paper bag to a customer at a retail establishment or through a delivery.
- B. A retail establishment may provide a customer a recyclable paper bag at the point of sale if the bag is provided to the customer for a maximum charge of \$0.10 per recyclable paper bag.
- C. All monies collected by a retail establishment under this section for provision of a recyclable paper bag shall be retained by the retail establishment.
- D. Any charge for a recyclable paper bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified thereon as the "carry-out bag charge" or through use of equivalent language as deemed acceptable by the Township.

§ 203-52. Signage Requirement.

Beginning 30 days after the effective date, and for six months thereafter, retail establishments shall post at all points of sale conspicuous signage: informing customers that single-use plastic bags and non-recyclable paper bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other information the Township may require by regulation or written policy.

§ 203-53. Temporary Exemptions.

The Board of Commissioners or its designee, may, in its sole discretion, upon written request of a retail establishment, exempt a retail establishment from the requirements of this Ordinance for a period of not more than one year from the effective date upon a finding by the Board or its designee that the requirements of this Article would cause undue hardship to the retail establishment. The Board or its designee may make a finding of undue hardship only in the following circumstances or situations, and any exemptions that may be provided by the Board pursuant hereto may, in the Board's discretion, contain conditions:

- (1) The retail establishment has a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic bags and/or non-recyclable paper bags; or

- (2) Additional time is necessary to draw down an existing inventory held by the retail establishment of single-use plastic bags, non-reusable bags or non-recyclable paper bags.

§ 203-54. Enforcement.

- A. The Township Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Article.
- B. A person, store, or food service establishment that violates the requirements of this Chapter 203, Article V shall:
 - (1) be issued a written warning for a first offense;
 - (2) be subject to a civil penalty of \$100.00 for a second offense;
 - (3) be subject to a civil penalty of \$200.00 for a third offense; and
 - (4) be subject to a civil penalty of \$500.00 for a fourth or any subsequent offense.
- C. For the purposes of enforcement under this subchapter, an offense shall be each day a person, store, or food service establishment is violating a requirement of this Ordinance.
- D. In addition to the penalties set forth in this Article, the Township may seek legal, injunctive, or other equitable relief to enforce the requirements of this Article.
- E. The failure of the Township to enforce any provision of this Article shall not constitute a waiver by the Township of its rights to future enforcement hereunder.

Section 3. The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Upper Dublin Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.


Section 4. Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

Section 5. This Ordinance shall be effective one hundred and eighty (180) days from enactment.

ORDAINED AND ENACTED by the Board of Commissioners of Upper Dublin Township on this 12th day of March, 2024.

BOARD OF COMMISSIONERS OF THE
UPPER DUBLIN TOWNSHIP

By:


Ira S. Tackel, President

ATTEST:


Jonathan Bleemer, Secretary