

ORDINANCE NO. 1703

**PLYMOUTH TOWNSHIP
MONTGOMERY PENNSYLVANIA**

**AN ORDINANCE OF PLYMOUTH TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA, CREATING A SINGLE-USE PLASTIC REDUCTION ORDINANCE**

The Council of Plymouth Township, Montgomery County, Pennsylvania, does hereby **ENACT** and **ORDAIN** that the Code of Ordinances of Plymouth Township, Pennsylvania, is hereby amended as stated below:

SECTION 1. Amendment to Chapter 17 “Reserved” providing a new Chapter 17 “Single-Use Plastics”.

The Township’s Code of Ordinances shall be amended at Chapter 17, “Reserved”, which shall be repealed and replaced with Chapter 17 “Single-Use Plastics” which shall read as follows:

**CHAPTER 17
SINGLE-USE PLASTICS**

Sec. 17-1 Purpose.

The purpose of this chapter is to: reduce the use of single-use plastics by commercial establishments within the Township; promote the use of reusable bags by customers at commercial establishments; curb litter on the streets, in the parks, and in the trees; protect the local streams, rivers, waterways, and other aquatic environments; protect the sewer system; reduce greenhouse gas emissions; reduce solid waste generation; promote the use of reusable, compostable, and recyclable materials within the Township; preserve the natural, scenic, historic, and esthetic values of the Township; relieve the pressure on recyclers, who cite single-use plastics as a major source of contamination and inefficiency within the recycling stream; and reduce the incineration of plastic from the disposal of single-use products.

Sec. 17-2 Definitions.

For the purposes of this chapter, the following definitions shall apply, unless the context clearly requires otherwise:

COMMERCIAL ESTABLISHMET

Any person, corporation, partnership, business venture, or vendor that sells or distributes merchandise, goods, or materials directly to a customer, whether or not for profit, including, but not limited to, restaurants (eat-in and/or take-out food), bars, pharmacies, convenience and grocery stores, seasonal and temporary businesses or markets, retail stores, or other similar nonresidential uses. For purposes of this chapter, commercial

establishments shall not include bazaars, festivals, food banks, food pantries, senior citizen centers or similar meal centers operated by nonprofit or governmental organizations or religious institutions.

CUSTOMER

Any person purchasing goods or services from a commercial establishment.

CARDBOARD BOX

A box in which a commercial establishment's goods or products are transferred to the commercial establishment, for the express purpose of shipping said products, and not purchased by the commercial establishment for the single purpose of distribution to customers.

DISTRIBUTION or DISTRIBUTE

The vending, selling, giving, providing, or delivering of an item for any purpose, whether or not incident to the sale, vending, production, or other provision of any merchandise, product, food, or beverage.

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;
- (4) A bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag;
- (5) Laundry or dry-cleaning bags;
- (6) Newspaper bags; and
- (7) Non-handled bags used to protect a purchased item from damaging or contaminating other purchased items when placed in a reusable bag or recycled paper bag.

NON-RECYCLABLE PAPER BAG

A paper bag that does not qualify as a Recyclable Paper Bag.

RECYCLABLE PAPER BAG

A paper bag that meets the following, but not including an Exempted Bag:

- (a) Is 100% recyclable;

- (b) Contains no old growth fiber;
- (c) Contains a minimum of 40% post-consumer recycled content; and
- (d) Displays the word “Recyclable” in a highly-visible area on the outside of the bag, and is labeled in a highly-visible manner with the name of the manufacturer and the percentage of post-consumer recycled content of the bag in an easy-to-read font size.

REUSABLE BAG

A bag with handles that is specifically 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 CARRY-OUT BAG

A bag that is manufactured from plastic using a blown-film extrusion process.

TOWNSHIP

The Township of Plymouth, Montgomery County, Pennsylvania.

Sec. 17-3 Single-use plastic bag.

Beginning six months after the effective date, commercial establishments shall not distribute single-use plastic carry-out bags to any customer either at the commercial establishment, off site, or in conjunction with a delivery.

Sec. 17-4 Non-recyclable paper bag.

- (a) Beginning six months after the effective date, retail establishments shall not distribute a non-recyclable paper bag to any customer either at the commercial establishment, off site, or in conjunction with a delivery.
- (b) A commercial establishment may distribute to consumers recyclable paper bags at the point of sale, if such bags are distributed to the consumer for a charge of not less than \$0.10 per bag.
 - (1) All monies collected by a commercial establishment under this subsection for the distribution of a paper bag shall be retained by the commercial establishment.
 - (2) Any charge for a paper bag shall be separately stated on any receipt distributed to the customer at the time of sale and shall be identified as a “carry-out bag charge” thereon.

Sec. 17-5 Reusable bag.

- (a) A Retail Establishment may distribute to a consumer a Reusable Bag at the point of sale if the bag is distributed to the consumer for a charge of not less than \$0.10 per bag.
- (b) All monies collected by a Retail Establishment under this section for provision of a Reusable Bag shall be retained by the Retail Establishment.
- (c) Any charge for a Reusable Bag shall be separately stated on a receipt distributed to the customer at the time of sale and where possible shall be identified as the “Reusable Bag Charge” thereon.

Sec. 17-6 Cardboard Boxes.

In lieu of recyclable paper bags and reusable bags, commercial establishments may distribute cardboard boxes, as defined in this ordinance in Section 17-2, to customers for no additional charge.

Sec. 17-7 Signage requirement.

- (a) Beginning six months after the effective date, and for six months thereafter, retail establishments that possess an egress towards the retail establishments parking lot, are required to post at all points of entry conspicuous signage informing customers that single-use plastic bags and non-recyclable paper bags will no longer be distributed by the establishment as of the date the prohibition begins; explain what types of bags and purchases are impacted; and providing any other information the Township may require by regulation.
- (b) Beginning six months after the effective date, and for six months thereafter, retail establishments are required to post at all points of sale conspicuous signage informing customers that single-use plastic bags and non-recyclable paper bags will no longer be distributed by the establishment as of the date the prohibition begins; explain what types of bags and purchases are impacted; and providing any other information the Township may require by regulation.

Sec. 17-8 Single-use plastic straws.

Beginning six month after the effective date, retail establishments shall not distribute single-use plastic straws, except upon request of the customer.

Sec. 17-9 Single-use plastic utensils.

Beginning six months after the effective date, retail establishments shall not distribute single-use plastic utensils, except upon request of the customer.

Sec. 17-10 Enforcement; violations and penalties.

- (a) A person or commercial establishment that violates the requirements of this chapter shall be guilty of a summary offense and, upon conviction thereof in any District Justice Court of the Commonwealth of Pennsylvania, shall:
 - (1) Be subject to a civil penalty of not less than \$50 for a first offense;
 - (2) Be subject to a civil penalty of not less than \$100 for a second offense; and
 - (3) Be subject to a civil penalty of not less than \$200 for a third or any subsequent offense.
- (b) Under no circumstances shall a violator be liable to a fine or penalty exceeding \$600 for each offense. In addition, a violator shall be responsible for the costs of prosecution, including attorney's fees.
- (c) Each day a violation continues shall constitute a separate and distinct offense under this chapter. In addition, each violation of any of the provisions of this chapter shall be deemed to be a separate and distinct offense.
- (d) In addition to the penalties set forth in this chapter, the Township may seek legal, injunctive, or other equitable relief to enforce this chapter or to restrain, prevent, or abate a violation of this chapter in the Court of Common Pleas of Montgomery County. The expense of such proceedings shall be recoverable from the violator in any manner as may now or hereafter be distributed by law.
- (e) The failure of the Township to enforce any provision of this chapter shall not constitute a waiver of its rights to future enforcement of such provision hereunder.

Sec. 17-11 Exemptions.

- (a) The Council may, upon written request of a commercial establishment, exempt such commercial establishment from the requirements of this chapter for a period up to one year from the effective date, upon a finding by the Township that the requirements of this chapter would cause undue hardship to that commercial establishment. An undue hardship shall be found only in the following circumstances or situations, and the Township may attach conditions to the provision of any exemption:
 - (1) The commercial establishment has a unique circumstance or situation such that there are no reasonable alternatives to the distribution of single-use plastic carry-out bags and/or non-recyclable paper bags;
 - (2) Compliance with the requirements of this chapter would deprive the commercial establishment of a legally protected right; or
 - (3) Additional time is necessary to draw down the commercial establishment's existing inventory of single-use plastic carry-out bags and/or non-recyclable paper bags.

SECTION 2. Repeal and Ratification.

All ordinances or parts of ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed. Any other terms and provisions of the Township's Code unaffected by this Ordinance are hereby reaffirmed and ratified.

SECTION 3. Severability.

Should any section, paragraph, sentence, clause, or phrase in this Ordinance be declared unconstitutional or invalid for any reason, the remainder of the Ordinance shall not be affected thereby and shall remain in full force and affect, and for this reason the provisions of this Ordinance shall be severable.

ORDAINED AND ENACTED by the Council of Plymouth Township, Montgomery County, Pennsylvania, this 9th day of , 2024.
September


COUNCIL OF PLYMOUTH TOWNSHIP

BY:



Karen R. Bramblett, Chair

ATTEST:



Karen B. Weiss, Manager/Secretary