

DOYLESTOWN TOWNSHIP
ORDINANCE NO. 418

AN ORDINANCE OF THE TOWNSHIP OF DOYLESTOWN, BUCKS COUNTY, PENNSYLVANIA, ESTABLISHING CHAPTER 139, SINGLE-USE PLASTIC BAGS, TO REGULATE THE DISTRIBUTION OF NON-RECYCLABLE, SINGLE-USE PLASTIC BAGS WITHIN DOYLESTOWN TOWNSHIP BY PROVIDING FOR CERTAIN REQUIREMENTS, EXCEPTIONS TO THESE REQUIREMENTS, ENFORCEMENT PROCEDURES AND PENALTIES.

WHEREAS, Doylestown Township (“Township”) is a Second Class Township duly organized and existing pursuant to the applicable laws of Pennsylvania; and

WHEREAS, the Township’s Board of Supervisors adopted a Code of Ordinances in November of 1991 (“Code”); and

WHEREAS, the Second Class Township Code authorizes the Board of Supervisors to make, amend and adopt amendments to the Code that are consistent with the Constitution and laws of the Commonwealth that it deems necessary for the proper management and control of the Township and the best interests of its residents;

WHEREAS, the Doylestown Township Board of Supervisors has determined that it is in the best interest of the Township and its residents that the Code be amended as hereinafter set forth to establish regulations on single-use plastic bags.

NOW THEREFORE, be it **ORDAINED AND ENACTED** by the Doylestown Township Board of Supervisors that the Code is hereby further amended by the establishment of Chapter 139 as follows:

SECTION 1. Title.

This Ordinance shall be known and may be cited as the Doylestown Township Single-Use Plastic Bag Ordinance.

SECTION 2. Purpose and Findings.

1. Purpose

The purposes of this Ordinance include:

- a. To reduce the use of single-use plastic bags by Retail Establishments within the Township.
- b. To curb litter on the streets, in the parks, and in the trees; to protect the local streams, rivers, waterways and other aquatic environments; to reduce solid waste generation; to reduce greenhouse gas emissions; to promote the use of reusable,

compostable, and recyclable materials within the Township; and to preserve the natural, scenic, historic, and esthetic character of the Township.

2. Findings

- a. Numerous commercial establishments within the Township provide single-use plastic bags to their customers.
- b. The use of single-use plastic bags has severe environmental impacts, including litter, harm to wildlife, greenhouse gas emissions, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.
- c. Single-use plastic bags do not readily decompose. This includes plastic bags made of biologically based polylactic acid (PLA) polymer plastic bags.
- d. Given the difficulty of recycling these materials, such bags are not curbside recyclable and only a small percentage of plastic bags are returned for recycling.
- e. 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 nationwide, and single-use plastic bags are often improperly discarded within the Township.
- f. An important goal of the Township is to preserve the natural, scenic, historic, and esthetic values of the Township consistent with the rights preserved in Article I, Section 27 of the Pennsylvania Constitution.
- g. To enhance the quality of life for the Township's residents and visitors, the Township seeks to reduce waste, litter, and water pollution; protect public health and welfare; and conserve and protect natural resources including wildlife.
- h. The Township wishes to encourage the use of sustainable products and services.
- i. The taxpayers of the Township pay the costs related to the cleanup of single-use plastic bags from the roadways, trees, sewers, waterways, and parks within the Township.
- j. Recyclers cite single-use plastic bags as a major source of contamination within the recycling stream; these bags damage recycling machines and thus increase costs and decrease efficiency.
- k. There are several alternatives to single-use plastic bags that are readily available to the Township's businesses and their customers.

- l. From an environmental and economic perspective, the best alternative to single-use plastic bags is shifting to reusable bags followed by compostable or recyclable paper bags.
- m. Studies have documented that placing a prohibition on the distribution of single-use plastic bags at the point of sale and placing a mandatory fee on other bags encourages the use of reusable bags and reduces plastic litter and the use of single-use bags.
- n. The Board of Supervisors desires to conserve resources, reduce greenhouse gas emissions, waste, litter and water pollution and protect the public health and welfare a means to increase the quality of life for Township residents and visitors.

SECTION 3. Definitions.

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

- a. “Customer” means any person purchasing goods or services from a Retail Establishment.
- b. “Effective Date” shall mean the effective date of the Ordinance that added this Chapter to the Doylestown Township Code.
- c. “Exempted Bag” shall include:
 - i. a bag used to package bulk items such as fruit, vegetables, nuts, grains, or candy;
 - ii. a bag used to contain or wrap meats or fish; to contain unwrapped prepared foods or bakery goods;
 - iii. a bag used solely to contain live animals, such as fish or insects sold in a pet store;
 - iv. a bag sold in packaging containing multiple bags and packaged at the time of manufacture of the bag.
 - v. laundry or dry-cleaning bags;
 - vi. newspaper bags; and
 - vii. 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.

- d. "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.
- e. "Retail Establishment" means any person, corporation, partnership, business venture, or vendor that sells or provides food, merchandise, goods, or materials for direct sale or delivery to a customer, whether or not for profit, including, but not limited to: restaurants (eat-in and/or take-out food), food trucks, farmers' markets, bars, pharmacies, convenience and grocery stores, seasonal and temporary businesses or markets, service stations, delicatessens, retail stores, delivery services, or other similar nonresidential uses (not including drycleaners). For purposes of this Chapter, Retail Establishments shall also include public gatherings, as defined in Chapter 58, Assemblies, Mass Public of the Doylestown Township Code of Ordinances.
- f. "Recycled Paper Bag" shall mean a paper bag that meets the following, but not including an Exempted Bag:
 - i. Contains no old-growth fiber;
 - ii. Contains a minimum of forty percent (40%) post-consumer recycled content; and
 - iii. Is labeled in an easy-to-read font size with the name of the manufacturer and the percentage of post-consumer recycled content.
- g. "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple uses and is:
 - i. made of cloth or other machine-washable fabric that has stitched handles;
or
 - ii. a polypropylene bag that has stitched handles.
- h. "Single-Use Plastic Bag" means a bag that is manufactured from plastic using a blown-film extrusion process, but not including an Exempted Bag.
- i. "Township" means the Township of Doylestown

SECTION 4. Requirements.

1. Single-Use Plastic Bags

Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing a Single-Use Plastic Bag to a customer at the Retail Establishment or through a delivery.

2. Single-Use Paper Bags

- a. Beginning 180 days after the Effective Date, Retail Establishments are prohibited from providing a non-Recycled Paper Bag to a customer at the Retail Establishment or through a delivery.
- b. A Retail Establishment may provide a consumer a Recycled Paper Bag at the point of sale if the bag is provided to the consumer for a charge of not less than \$0.05 per bag. A waiver of this charge in the form of a sale, discount or giveaway is a violation of this Part subject to enforcement.
- c. All monies collected by a Retail Establishment under this section for provision of a Recycled Paper Bag shall be retained by the Retail Establishment.
- d. Any charge for a Recycled Paper Bag shall be separately stated on any receipt provided to the customer at the time of sale and where possible shall be identified as the "Carry-Out Bag Charge" thereon.

3. Reusable Bags

- a. A Retail Establishment may provide a consumer a Reusable Bag at the point of sale if the bag is provided to the consumer for a charge of not less than \$0.05 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 provided to the customer at the time of sale and where possible shall be identified as the "Reusable Bag Charge" thereon.

SECTION 5. Signage.

Beginning 120 days after the effective date of this Ordinance, and for at least 180 days thereafter, Retail Establishments are required to post at all points of sale conspicuous signage that:

- a. informs customers that Single-Use Plastic Bags and non-Recycled Paper Bags will no longer be provided by the Retail Establishment as of the date the prohibition begins;
- b. explains what types of bags and purchases are impacted; and

- c. provides other information the Township may require by regulation, if applicable.

SECTION 6. Enforcement.

1. The Township Code Enforcement Officer, and any other persons appointed by the Township Manager, shall have the authority to take necessary actions to enforce the provisions of this Part, including conducting any inspections, issuing citations, and pursuing prosecutions.
2. If it is determined that a violation has occurred, the designated Code Enforcement Official shall issue notice to the Retail Establishment. Notice shall include the applicable Ordinance sections and a description of what must be remedied and must specify a reasonable timeframe for compliance, which shall be no less than seven days from the date of the notice. Notice shall be hand delivered to the Retail Establishment and sent via certified mail.
3. Any Retail Establishment who shall violate any provision of this Part 14 shall, upon conviction thereof, be sentenced to pay a fine in accordance with the schedule specified in subsection 4. Every day that a violation of this Part 14 continues shall constitute a separate offense.
4. The penalty for each violation that occurs after the notice shall be a fine of no more than:
 - a. \$50.00 for the first violation;
 - b. \$100.00 for the second violation in the same year dating from the first violation;
 - c. \$200.00 for the third and each subsequent violation in the same year dating from the first violation.
5. In addition to the penalties set forth in this Chapter, the Township may seek legal, injunctive, or other equitable relief to enforce this Chapter.

SECTION 7. Repealer.

All other Ordinances or parts thereof which are in conflict with this Ordinance are hereby repealed.

SECTION 8. Validity.

The provisions of this Ordinance are severable, and if any section, clause, sentence, part, or provision thereof shall be held illegal, invalid, or unconstitutional by any court of

competent jurisdiction, such decision of the court shall not affect or impair the remaining sections, clauses, sentences, parts, or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence, part, or provision had not been included herein.

SECTION 9. This Ordinance shall be effective five (5) days after enactment.

DULY ENACTED on this 21 day of May, 2024.

ATTEST:


Stephanie Mason, Manager

**DOYLESTOWN TOWNSHIP BOARD
OF SUPERVISORS**

BY: 
Jennifer Herring, Chair

BY: 
Barbara N. Lyons, Vice Chair

BY: 
Dan Wood, Member

BY: _____
Nancy Santacecilia, Member

BY: 
Judith A. Dixon, Member