

A white plastic bag is shown floating in the air, slightly out of focus, against a background of vibrant green foliage. The bag is crumpled and has a handle visible. The background consists of various shades of green leaves and branches, creating a bokeh effect.

Single Use Plastic Bag Ordinance

**Doylestown Borough
Environmental Advisory Council
September 20, 2022**



Agenda

- ▶ **Plastic Pollution**
- ▶ **Plastic Ordinances in PA**
- ▶ **Our Journey**
- ▶ **Community Survey**
- ▶ **EAC Recommendation**
- ▶ **Proposed Ordinance**
- ▶ **Next Steps**
- ▶ **Questions and Answers**

Plastic Pollution



Overview and Policy in Pennsylvania

A throwaway society



A global threat to wildlife

“By 2050, virtually every seabird species on the planet will be eating plastic”



Implications for Infrastructure

- Philadelphia Water Department reports cleaning litter doubles their stormwater costs
- 44 tonnes of trash removed from Delaware & Schuylkill rivers
 - Over half plastic
- PennDOT

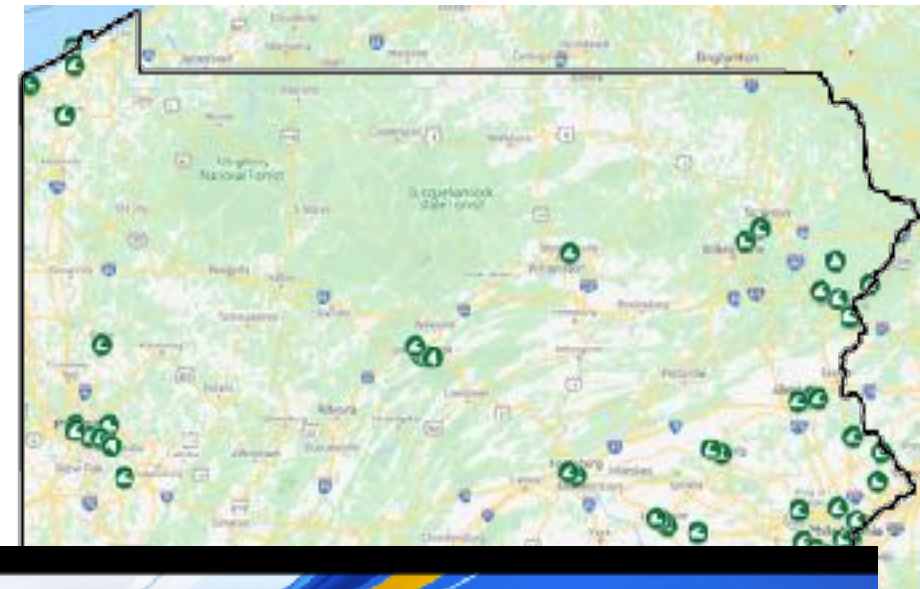


It's bad for our infrastructure & bottom line

- Pennsylvania's 9 largest cities collectively spend \$68.5 million every year on litter
- PennDOT - \$13 mil spent on highway cleanup every year



Microplastics in Pennsylvania



What are microplastics?

Plastics doesn't biodegrade, but break into smaller & smaller pieces

Microplastics: Less than 5 millimeters



MICROPLASTIC CONTAMINATION FOUND IN DELAWARE, LEHIGH RIVERS



MICROPLASTIC IN PA'S WATERWAYS



WTBJ STUDIO

STATE COLLEGE

What do we do?



News Radio & Podcasts TV Arts Events Educa

Philly residents are betting city's new bag ban will bring cleaner streets

The Philadelphia Inquirer

Philly and suburban towns are suing Pa. over a law stopping them from banning plastic bags

Pittsburgh City Council introduces proposal to ban single-use plastic bags

West Chester hopes its plastic bag ban sends Harrisburg a message

By Emily Pontecorvo · August 21, 2019

90.5 WESA | By Kilay Koscinski
Published November 22, 2021 at 2:48 PM EST

APRIL 13, 2022

Haverford Township bans plastic bags as more suburban towns begin to take action

Single-use Plastic Bag Bans in PA and Surrounding States



Plastic Ordinance in PA

Narberth Borough, Montgomery County: Passed in 2018, \$0.10 fee-only, ban on straws

West Chester Borough, Chester County: Passed in 2019, ban on plastic bags, \$0.10 fee on other bags, ban on straws

City of Philadelphia: Passed in 2019, Ban on plastic bags only

West Goshen Township, Chester County: Passed in December 2021, ban on plastic bags, ban on straws

Haverford Township, Delaware County: Passed in April 2022, ban on plastic bags, \$0.10 fee on other bags, straws on request

City of Pittsburgh, Allegheny County: Passed in April 2022, ban on plastic bags, \$0.10 fee on other bags

Easttown Township, Chester County: Passed in June 2022, an on plastic bags, \$0.15 fee on other bags

Solebury Township, Bucks County: Passed in June 2022, ban on plastic bags, \$0.10 fee on other bags, ban on straws, ban on polystyrene food service containers

Media Borough, Delaware County: Passed in July 2022, ban on plastic bags, straws on request

Radnor Township, Delaware County: Passed in August 2022, ban on plastic bags, \$0.10 fee on other bags

Ambler Borough, Montgomery County: Passed in August 2022, ban on plastic bags, ban on polystyrene

2016

“Kickoff”

CBW Student, Shaylan Kolodney, converts school to reusable trays. Catalyst for EAC to consider bags, straws, containers.

2017-2019

Research and Outreach

Life Cycle Studies, Other Municipalities, Meetings with Restaurants, Invitations Sent to Businesses, No Straw November, Public Survey, Draft Ordinance.

2019

Moratorium

PA places moratorium on new plastics regulations.

2019-2020

Education

EAC and Council redirect focus from ordinance to outreach and education: farmers market, movie screening, resolution.

2020

Pandemic

2021

Moratorium Lifted

Education and outreach resume, EAC tasked with revisiting ordinance

2022

Ordinance and Outreach Plan

After coordination with Penn Environment and comparing newly-adopted ordinances in nearby towns, EAC proposes ordinance and outreach plan - Direct mail, DMail, website, social media, press releases.

October 2022

Next Step

Environment and Recreation Committee to consider feedback from meeting. Committee could ask EAC to revisit ordinance based on meeting.

TBD

Ordinance Adoption

After final edits, ordinance is advertised and adopted, a two month process. Becomes effective 5 days later, signage required 120 days thereafter, ban/fee in effect 60 days after that.

September 2022

Information and Feedback Meeting



Community Survey

- ▶ **Participants included residents, shoppers, and businesses**
- ▶ **2,225 responses: over 1,000 residents and 151 businesses**
- ▶ **Overall, 80% were in favor of reducing plastics**
 - ▶ **82% of residents**
 - ▶ **84% of businesses**
- ▶ **70% would support a ban on single-use plastic bags**
- ▶ **Many respondents said they use reusable bags**
 - ▶ **Over 38% said they use on a regular basis**
 - ▶ **Another 28% use sometimes**

EAC Recommendation

- ▶ **Goal:** Move shoppers and businesses away from single-use plastic bags and toward reusable bags
- ▶ **Issue:** Simply banning plastic bags often results in substituting paper bags, which have their own problems
- ▶ **Issue:** A modest charge is enough to nudge many shoppers to bring a bag or decline a bag
- ▶ **Recommendation: Ban/fee hybrid**
 - ▶ **Ban single-use plastic bags and non-recycled paper bags**
 - ▶ **Remind shoppers with a small charge for a recycled paper bag**

Proposed Ordinance

Who the Ordinance impacts

Restaurants, retail stores, farmers' market, convenience stores, delivery services, food trucks, public events

What the Ordinance does

Bans two types of single-use bags used to carry purchases from point of sale

- **Single-use plastic bags**
- **Non-recycled paper bags**

Permits two types of bags to carry purchases, for a charge

- **Reusable bags meeting certain criteria (stitched handles, etc)**
- **Recycled paper bags**
- **A minimum of 15 cents must be charged for each bag; the charge is retained by the business**

Exempts some types of plastic bag, which may continue to be used

- **Bags used to carry items to point of sale – bulk goods, fish/meat/produce, unwrapped prepared foods, baked goods**
- **Dry cleaning, newspaper, and trash bags**

Proposed Ordinance

When the ordinance would take effect

120 days after Council approval: businesses post signage to alert customers

180 days after approval: bag restrictions take effect

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CBW Student, Shaylan Kolodney, converts school to reusable trays. Catalyst for EAC to consider bags, straws, containers.

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September 2022

Information and Feedback Meeting



A map of the North Pacific Ocean is shown, partially covered by a white plastic bag. The map features various island groups and names, including the Hawaiian Islands, Phoenix Islands, and Tokelau Islands. A white rectangular box with the text "Thank you!" is superimposed over the center of the map. The map is blue with white and yellow landmasses. The text "NORTH PACIFIC OCEAN" is visible at the top. Other labels include "HAWAIIAN ISLANDS", "PHOENIX ISLANDS", "TOKELAU ISLANDS", "MARSHALL ISLANDS", "MELANESIA", "MICRONESIA", "SOCIETY ISLANDS", "FRENCH POLYNESIA", "TAMARUA ISLANDS", "TUAMOTU (LOW ARCH) ISLANDS", "SAMOA ISLANDS", "PAGO PAGO", "DANGER ISLAND", "MARQUESAS ISLANDS", "LINE ISLANDS", "CHRISTMAS ISLAND", "FANNING ISLAND", "WASHINGTON ISLAND", "PALMYRA ISLAND", "HOWLAND ISLAND", "BAKER ISLAND", "ATOLL", "NORFOLK ISLAND", "PHOENIX ISLANDS", "TOKELAU ISLANDS", "SOCIETY ISLANDS", "FRENCH POLYNESIA", "TAMARUA ISLANDS", "TUAMOTU (LOW ARCH) ISLANDS", "SAMOA ISLANDS", "PAGO PAGO", "DANGER ISLAND", "MARQUESAS ISLANDS", "LINE ISLANDS", "CHRISTMAS ISLAND", "FANNING ISLAND", "WASHINGTON ISLAND", "PALMYRA ISLAND", "HOWLAND ISLAND", "BAKER ISLAND", "ATOLL", "NORFOLK ISLAND".

Thank you!

A person wearing a light pink jacket and light blue pants is holding a large, plain beige tote bag. The person is standing outdoors in a park-like setting with trees and a path in the background. The text "Questions and Answers" is overlaid on the image in a white box.

Questions and Answers

ORDINANCE NO. _____
BOROUGH OF DOYLESTOWN
BUCKS COUNTY, PENNSYLVANIA

**AN ORDINANCE AMENDING CHAPTER 13 OF THE DOYLESTOWN BOROUGH
ORDINANCE, TO ADD A PART 14 REGULATING THE DISTRIBUTION OF SINGLE-
USE PLASTIC BAGS; AND PROVIDING FOR RELATED PURPOSES AND
FINDINGS, DEFINITIONS, REQUIREMENTS, ENFORCEMENT, PENALTIES, AND
EXEMPTIONS**

WHEREAS, the Borough Code authorizes the Borough Council of the Borough of Doylestown ("Borough Council") 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 Borough and the maintenance of peace, good government, health, safety and welfare of the Borough of Doylestown ("Borough") 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 esthetic 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 Borough: 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 under the Amendment to minimize 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 Borough Council 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 Borough, by regulating the distribution of single-use plastic bags within the Borough;

WHEREAS, the Borough Council has met the procedural requirements of 53 P.S. § 1010 1, *et seq.*, the Pennsylvania Municipalities Planning Code, for the adoption of the proposed ordinance, including holding a public hearing; and

WHEREAS, Borough Council, 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 Borough will be served by this amendment of the Doylestown Borough Code to regulate the distribution of single-use plastic bags within the Borough;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of the Borough of Doylestown, Bucks County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

I. In Chapter 13, Licenses, Permits, and General Business Regulations **ADD** a new Part 14, Regulation of Single-Use Carry Out Bags, as follows

PART 14. REGULATION OF SINGLE-USE CARRY OUT BAGS

§ 101 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 Borough.
- 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 Borough; and to preserve the natural, scenic, historic, and esthetic character of the Borough.

2. Findings

- a. Numerous commercial establishments within the Borough 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 Borough.

- f. An important goal of the Borough is to preserve the natural, scenic, historic, and esthetic values of the Borough consistent with the rights preserved in Article I, Section 27 of the Pennsylvania Constitution.
- g. To enhance the quality of life for the Borough's residents and visitors, the Borough seeks to reduce waste, litter, and water pollution; protect public health and welfare; and conserve and protect natural resources including wildlife.
- h. The Borough wishes to encourage the use of sustainable products and services.
- i. The taxpayers of the Borough pay the costs related to the cleanup of single-use plastic bags from the roadways, trees, sewers, waterways, and parks within the Borough.
- 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 Borough'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.

§ 102. Definitions

1. For the purposes of this Part, the following definitions shall apply unless the context clearly requires otherwise:
 - a. "Borough" means the Borough of Doylestown.
 - b. "Customer" means any person purchasing goods or services from a Retail Establishment.
 - c. "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 Part, retail establishments shall also include public and private events on public property as defined in the Borough of Doylestown Code of Ordinances Chapter 13, Licenses, Permits, and General Business Regulations, Part 2, Public Events and Gatherings.

- d. "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.

- e. "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.

- f. "Single-Use Plastic Bag" means a bag that is manufactured from plastic using a blown-film extrusion process, but not including an Exempted Bag.

- g. "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.

- h. "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.

- i. "Effective Date" shall mean the effective date of the ordinance that added this Chapter to the Doylestown Borough Code.

§ 103. Requirements

1. Single-Use Plastic Bags

- a. 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 \$0.15 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 \$0.15 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.

§ 104 Signage

1. 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 establishment as of the date the prohibition begins;
 - b. explains what types of bags and purchases are impacted; and
 - c. provides other information the Borough may require by regulation, if applicable.

§ 105. Enforcement

1. The Borough Code Enforcement Officer, and any other persons appointed by the Borough 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 commercial 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 establishment and sent via certified mail.

3. Any 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 Borough may seek legal, injunctive, or other equitable relief to enforce this Chapter.

Section II. Repealer. In addition to the above, all other ordinances or parts of ordinances that are inconsistent herewith, are hereby repealed. Further, it is understood and intended that all other sections, parts, provisions, and ordinances that are not otherwise specifically in conflict or inconsistent with this Ordinance, shall remain in full force and effect, the same being reaffirmed hereby.

Section III. Severability. The provisions of this Ordinance are severable. In the event that any section, sentence, clause, phrase, or word of this Ordinance, including any incorporated Appendices, shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance. Nothing in this Ordinance shall be interpreted or applied so as to create any requirement, power or duty in conflict with any federal law or laws of the Commonwealth of Pennsylvania.

Section IV. Effective Date. All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

Section V. Failure to Enforce Not a Waiver. The failure of the Borough of Doylestown to enforce any provision of this Ordinance shall not constitute a waiver by the Borough of its rights of future enforcement hereunder.

ORDAINED ENACTED this ____ day of _____, 2022.

DOYLESTOWN BOROUGH COUNCIL
By:

John J. O'Brien, Council President

Approved:

Elnora "Noni" West, Mayor

Attest:

Borough Secretary

DRAFT