

ORDINANCE NO. _____

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA AMENDING
SOLEBURY TOWNSHIP ORDINANCE REGARDING THE
USE OF REUSABLE BAGS AND PROHIBIT THE USE OF
SINGLE-USE CARRY-OUT PLASTIC BAGS**

WHEREAS, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of Solebury Township (“Solebury” or the “Township”) may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

WHEREAS, on or about July 19, 2022, the Township Board of Supervisors adopted an ordinance to promote the use of reusable bags, prohibit the use of single-use carry-out plastic bags, polystyrene food containers, and single-use plastic straws by commercial establishments, and establishing a charge for the provision of certain types of bags at the point of sale;

WHEREAS, the Township has received a request to modify the definition of “Produce Bag or Product Bag” to allow for such bags with handles;

WHEREAS, it is in the public interest of the residents of the Township for the Township to accommodate the use of a Produce Bag or Product Bag with handles;

NOW THEREFORE, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Solebury Township, Bucks County, Pennsylvania, as follows:

I. Chapter 10, Part 5 of the Solebury Township Ordinances is hereby amended **AMENDED** as follows:

A. **AMEND** Section 10-502 as follows:

1. **AMEND** Section 10-502.B. to **STRIKE** the words “without handles” from the Definition of “Produce Bag or Product Bag” so that the definition now reads as follows:

B. **Produce Bag or Product Bag** means any bag used exclusively to carry produce, meats, fish, other foods items, merchandise, or bulk items such as nuts, grains, or candy to the point of sale inside a store; to prevent such items from coming in direct contact with other purchased items; to contain prepared foods or unwrapped bakery goods; 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.

II. Partial Repealer

All other provisions of the Ordinances of Solebury Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. Severability

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

IV. Effective Date

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

V. Failure To Enforce Not A Waiver

The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED this ____ day of _____, 2022.

BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Mark Baum Baicker, Chair

John Francis, Vice Chair

Kevin Morrissey, Member

Robert A. McEwan, Member

Hanna Howe, Member

Attest:

Catherine Cataldi, Township Secretary