

SOLEBURY TOWNSHIP BOARD OF SUPERVISORS

June 21, 2022 – 6:00 P.M.

Hybrid Meeting

MEETING MINUTES

Attendance: Mark Baum Baicker, Chair, John S. Francis, Vice-Chair, Hanna Howe, Robert McEwan, Kevin Morrissey, Dennis H. Carney, Township Manager, Michele Blood, Assistant Manager, and Catherine Cataldi, Secretary. Mark L. Freed, Township Solicitor was also in attendance.

The recording device was turned on.

I. The meeting was called to order followed by the Pledge of Allegiance.

II. Approval of Bills Payable – May 26, 2022 and June 9, 2022

Res.2022-83 – Upon a motion by Mr. McEwan, seconded by Ms. Howe, the list of Bills Payable dated May 26, 2022 and June 9, 2022 were unanimously approved as prepared and posted.

III. Announcements/Resignations/Appointments

Executive Session

The Board announced the Executive Session held June 3, 2022 dealing with Personnel Matters.

The Board announced the Executive Session held June 21, 2022 prior to the meeting dealing with Land Preservation and Zoning Issues.

Appointment of Michael Miernicki to the Land Preservation Committee

Res. 2022-84 – Upon a motion by Ms. Howe, seconded by Mr. McEwan, it was unanimously agreed to appoint Michael Miernicki, resident, without compensation, to the Land Preservation Committee for term ending December 31, 2022.

IV. Supervisor Comment

- Mr. McEwan gave an update on the New Jersey Department of Transportation Devil’s Tea Table Rockfall Mitigation Project to be on the July 2022 Board of Supervisors’ meeting.

V. Public Comment

- Mr. Baum Baicker read the following comment made by Buz Teacher, resident:
I want to express my respect and gratitude to Dennis Carney for the superb work his has done during his long tenure at Solebury Township. His many accomplishments and contributions have made a lasting impact on day to day life here in Solebury. Dennis's personal hands-on approach to problem solving has been an inspiration to watch over all these years. He has set a rare example of kindness coupled with amazing proficiency for the many responsibilities he undertook. Dennis it has been an honor to know you.

- Lorraine Doan, resident, commented on the Pennsylvania Department of Environmental Protection recycling grant the Township received and used towards the purchase of a dump truck and leaf truck. Ms. Doan questioned the grant documents and requirements.

VI. Public Hearing

Historical Architectural Review Board – Certificate of Appropriateness – Bil and Laura Sauer (TMP # 41-002-002-004, 6083 Carversville Road)

Upon a motion by Marnie Newman, seconded by Steve Young, it was (unanimously) agreed to recommend issuance of a Certificate of Appropriateness to TMP# 41-002-002-004 as follows:

1. *Work is to be completed per the specifications submitted with the application.*
2. *Installation of a 10' x 16' shed on the side of the garage, 22' away and 15' back.*
3. *Shed is Board and Batten siding, painted Timberbark.*
4. *The doors and flower boxes painted bronze.*
5. *The shingled roof in the color charcoal.*

Res.2022-85 – Upon a motion by Mr. Baum Baicker, seconded my Ms. Howe, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-002-002-004, 6083 Carversville Road as recommended by the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

Historical Architectural Review Board – Certificate of Appropriateness – Dimitri Politikas (TMP # 41-004-039, 3792 Aquetong Road)

Upon a motion by Marnie Newman, seconded by Steve Young, it was (unanimously) agreed to recommend issuance of a Certificate of Appropriateness to TMP# 41-004-039 as follows:

1. *Work is to be completed based on the proposed application.*
2. *Work for the garage includes the construction of a new gabled roof; Board and Batten siding by James Hardie and Hardie Board shingles in color matching principal dwelling; the siding should be a smooth finish, non-grained.*
3. *The roof will be in the color dark bronze and will be standing seam metal.*
4. *The pan width should not exceed 17 inches. The standing seams for the roof should be an inch.*
5. *The siding of the garage doors will be Board and Batten siding, with iron strap hardware, top.*
6. *Iron strap hardware topped by simulated divided lights.*
7. *On the main house, all roofs, with the exception of the porch, will be the same standing seam metal as the garage, in the same dark bronze. The same requirements apply.*

Res.2022-86 – Upon a motion by Mr. Baum Baicker, seconded my Ms. Howe, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-004-039, 3792 Aquetong Road as recommended by the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

Historical Architectural Review Board – Certificate of Appropriateness – Scott Black (TMP # 41-004-040, 3786 Aquetong Road)

Upon a motion by Steve Young, seconded by Scott Minnucci, it was (unanimously) agreed to recommend issuance of a Certificate of Appropriateness to TMP# 41-004-040 as follows:

1. *Work is to be completed based on the proposed application.*
2. *The roof will be in the color dark bronze and will be standing seam metal.*
3. *The pan width should not exceed 17 inches. The standing seams for the roof should be an inch.*
4. *The gutters will be replaced with a 5-inch half round gutter in brown.*

5. *Connect existing downspouts in the same material.*

Res.2022-87 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-004-040, 3786 Aquetong Road as recommended by the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

Historical Architectural Review Board – Certificate of Appropriateness – Scott Black (TMP # 41-004-040, 3786 Aquetong Road)

Upon a motion by Nancy Ruddle, seconded by Steve Young, it was (unanimously) agreed to recommend issuance of a Certificate of Appropriateness to TMP# 41-004-040 as follows:

1. *Work is to be completed based on the proposed application.*
2. *Move two existing flagstones from front walkway and recut to approximately 4 feet by 33 inches and relocate to the space between Aquetong Road and existing front steps.*
3. *Then place new Pennsylvania flagstones in their place to complete the front walkway, stone approximately 4 feet by 2 feet.*
4. *Install natural stone edging from Delaware quarry that matches stone in house and existing wall. Stone will be flush with walkway. Stone size approximately 4 inches by 4 inches, and up to 14 inches in length.*
5. *Edge proposed planting beds with same size natural stone, might be slightly raised to avoid mulch, dirt, and run off; remove tree roots in lower wall.*
6. *Install same natural stone edging along Aquetong Road, not to exceed 1½ inches above highest point in road, per PennDot, and adding a slight matching stone for a slope.*
7. *Install driveway apron using same size natural stone, 4 inches by 4 inches and up to 14 inches in length. Apron to be approximately 11 feet wide, and not to exceed more than 15 feet deep.*
8. *Reuse existing stepping stones between planting beds in road to create an informal pathway or leave open with no stones.*

Res.2022-88 – Upon a motion by Mr. Baum Baicker, seconded by Mr. Francis, it was unanimously agreed to issue a Certificate of Appropriateness to TMP # 41-004-040, 3786 Aquetong Road as recommended by the Historical Architectural Review Board. Issuance of the Certificate of Appropriateness does not relieve the applicant from obtaining any and all applicable permits prior to commencement of work.

John S. Francis entered the meeting utilizing the Zoom virtual platform.

Ms. Howe commended the Historical Architectural Review Board (HARB).

Larry Peseski, HARB Chair thanked Dennis Carney for his service as Township Manager.

Short Term Lodging (Airbnb) Ordinance Amendment – Authorization to Adopt

The Board announced that this topic was removed as it was pending review by the Planning Commission.

Single-Use Plastic Ban Ordinance – Authorization to Adopt

Mr. Freed gave an overview of the progress of development of the proposed ordinance. Mr. Freed went over the exhibits.

Mr. Francis thanked the Environmental Advisory Committee for all their efforts on the ordinance.

John DeAndrea, resident, gave an overview of the process and resources used to make plastic, paper and cloth containers. Mr. DeAndrea recommended the Board of Supervisors' table the motion, conduct additional research and discuss further.

Ms. Doan questioned the requirements for public notice.

Hanita Rosenboim, resident, questioned if Commercial Businesses were notified of the single-use plastic ban.

Steve Matusz, resident, expressed opposition of the single-use plastic ban ordinance.

Res. 2022-89 – Upon a motion by Mr. Francis, seconded by Mr. Morrissey, it was unanimously agreed to adopt AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY, BUCKS COUNTY, PENNSYLVANIA 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 (copy of which is attached).

VII. New Business

Heritage Senior Living, LLC (One Solebury Partners, LP) – Equivalent Dwelling Units – Letter

Heritage Senior Living, LLC (One Solebury Partners, LP) was required to secure Equivalent Dwelling Units (EDUs) for the planning module project with Bucks County Water & Sewer Authority (BCWSA). BCWSA requested the municipality provide an authorization letter to release the EDU's if the project is withdrawn.

Mr. Freed gave an overview of the Heritage Senior Living, LLC Land Development application and EDUs, reservations of EDUs and the release of EDUs.

Res.2022-90 – Upon a motion Mr. McEwan, seconded by Mr. Baum Baicker, it was unanimously agreed to authorize the Township Administration to provide the letter to Bucks County Water & Sewer Authority.

Act 153 – Certification of Eligible Properties to New Hope Solebury School District

The Board of Supervisors certifies properties eligible for the Act 153 program on an annual basis to the New Hope Solebury School District. This program authorizes the school district to exempt by resolution certain real property from further Millage increases imposed.

Res. 2022-91 – Upon a motion by Mr. McEwan, seconded by Ms. Howe, it was unanimously agreed to certify the list of properties eligible under the Act 153 Program and the Administration is authorized to forward the list to the New Hope Solebury School District as prepared.

2022 Budget Amendment No. 1

In accordance with the Second-Class Township Code, Section 3202(f), Township Administration recommended that the Board approve the proposed budget amendment as summarized below:

- Increase General Fund revenue by \$152,500 and increase expenses by \$141,200; the net result is a \$11,300 increase to the General Fund Reserve Balance.
- Increase Park & Rec Operational revenue of \$8,650 and increase expenses by \$7,500; the net result is a \$1,150 increase to the P & R Operating Reserve Balance.
- Increase in Sustainability Fund expenses by \$50,000 which decreases the Sustainability Reserve Balance by the same amount.

- Increase Capital Project expenses by \$67,775 which decreases the Capital Projects Reserve Balance by the same amount.
- Increase Capital Equipment revenue by \$140,440 and increase expenses by \$57,940 which increases the Capital Equipment Reserve Balance by \$82,500.
- Increase Roads & Bridges expenses by \$50,000 which decreases the Capital Projects Reserve Balance by the same amount.
- Increase Park Capital revenue by \$9,600 and an increase in expense by \$5,100 which increases the Park Capital Reserve Balance by \$4,500.
- Increase Land Preservation revenue by \$4,000,000 and increase expense by \$5,000 which increases the Land Preservation Reserve Balance by \$3,995,000.
- increase Debt Service expenses by \$2,500 which increases the Debt Service Reserve Balance by the same amount.

A key component of the budget amendment is the creation of a separate Operating Reserve Fund as discussed in Section 1508.1 of the Second-Class Township Code - Operating Reserve Fund. “The board of supervisors shall have the power to create and maintain a separate operating reserve fund in order to minimize future revenue shortfalls and deficits, provide greater continuity and predictability in the funding of vital government services, minimize the need to increase taxes to balance the budget in times of fiscal distress, provide the capacity to undertake long-range financial planning and develop fiscal resources to meet long-term needs.”

- Mr. DeAndrea questioned whether the new Operating Reserve Fund contains a financial threshold requiring the Township to expend any extra funds.
- Ms. Doan questioned what the benefits are to the tax payers when the Township Administration saves the Township money. Mr. Baum Baicker commented on the Township’s past financial situation and the Township’s current financial situation. Mr. Baum Baicker explained the benefits that result from the financial stability of the Township. Ms. Doan questioned the school tax rate. Mr. Freed and the Board explained that the School district is a separate entity and the Township has no control over the school tax.

Res.2022-92 - Upon a motion by Mr. Baum Baicker, seconded by Mr. McEwan, it was unanimously agreed to approve the 2022 Budget Amendment No. 1 as documented.

Zoning Hearing Board Application - Authorization for Solicitor to Attend

This topic was removed from the agenda.

VIII. Public Comment – No public comment

The Board thanked Dennis H. Carney for his service with the Township.

IX. Adjournment

The meeting was adjourned at 7:02 p.m.

Respectfully submitted,
Catherine Cataldi
Secretary

ORDINANCE NO. 2022-003

**AN ORDINANCE OF THE TOWNSHIP OF SOLEBURY,
BUCKS COUNTY, PENNSYLVANIA 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, pursuant to the Second Class Township Code, the Board of Supervisors (“Board”) of Solebury Township (“Township”) has the power to adopt ordinances in which general or specific powers of the Township may be exercised. 53 P.S. § 66601;

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution 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 trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;”

WHEREAS, the constitutional obligation found in Article 1, Section 27 of the Pennsylvania Constitution binds not only the Commonwealth, but “all government, state or local, concurrently.” *Robinson Twp., Washington Cty. v. Com.*, 83 A.3d 901 (Pa. 2013); *Pennsylvania Env't Def. Found. v. Commonwealth*, 161 A.3d 911 (Pa. 2017);

WHEREAS, the Township is home to multiple beautiful, scenic, clean and vibrant streams, rivers and aquifers including Aquetong Creek, Primrose Creek, Pidcock Creek, Paunacussing Creek, Copper Nose Creek, Laurel Run, Rabbit Run, Dark Hollow Run and Cuttalossa Creek;

WHEREAS, the Board intends to preserve, maintain, and enhance the health of residents of and visitors to the Township, as well as the public natural resources and common property within the Township, by regulating the distribution of single-use carry-out plastic bags, single-use plastic straws, and polystyrene food containers within the Township;

WHEREAS, use and distribution of single-use carry-out plastic bags, single-use plastic straws, and polystyrene food containers are preventable and have a negative impact on the natural environment and the community of the Township;

WHEREAS, single-use carry-out plastic bags, single-use plastic straws, and polystyrene food containers pollute the environment, harm wildlife and natural landscapes, clog storm drains and drainage systems, and enter into the waters of the Commonwealth creating further damage to aquatic life and ecosystems;

WHEREAS, the taxpayers of the Township pay the costs related to the cleanup of single-use carry-out plastic bags, single-use plastic straws, and polystyrene food containers from the roadways, trees, sewers, waters, and parks within the Township.

WHEREAS, plastic film from single-use carry-out plastic bags bind and clog sorting equipment and become an operational and financial burden on recycling facilities and polystyrene containers do not biodegrade;

WHEREAS, reusable bags are a readily available alternative to single-use carry-out plastic bags and are both cost effective and help to preserve the natural environment;

WHEREAS, alternatives to single-use plastic straws exist in the forms of reusable straws, recyclable paper straws and compostable straws and are cost effective;

WHEREAS, alternatives to polystyrene food containers exist in the form of biodegradable products;

WHEREAS, the Board and the Environmental Advisory Committee support efforts to reduce the amount of waste that must be disposed of by supporting the waste management hierarchy (reduce, reuse, recycle, compost, waste-to-energy, landfill);

WHEREAS, it is in the public interest of the residents of the Township to reduce the use of single-use carry-out plastic bags, single-use plastic straws, and polystyrene food containers to protect the public health and natural environment of the surrounding area;

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. The Ordinances of Solebury Township, County of Bucks, Commonwealth of Pennsylvania, are amended to ADD the following to Chapter 10, Health and Safety, as Part 5 thereof:

PART 5 PLASTICS

§ 10-501. Purpose and Intent.

The purpose of this Part is to encourage consumers and Commercial Establishments within the Township to help reduce the use and environmental impact of single-use plastics by promoting the use of reusable bags, utilizing alternatives to single-use plastic straws, training employees to ask customers first before providing a single use plastic item, and substituting other biodegradable products for polystyrene food containers.

§10-502. Definitions.

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

A. Single-Use Carry-Out Plastic Bag means a 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. A Single-Use Plastic Carry-Out Bag shall not include any of the following:

1. Produce Bags or 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; or
4. 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.

B. Produce Bag or Product Bag means any bag without handles 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.

C. Reusable Bag means a bag that meets all of the following criteria:

1. Is designed and manufactured to withstand repeated uses over time;
2. Is machine washable or made from a material that can be cleaned and disinfected regularly; and
3. Has the capability of carrying a minimum of 18 pounds.

D. Recyclable Paper Bag means a paper bag that meets all of the following criteria:

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 with the name of the manufacturer, the location (country) where manufactured, and the percentage of post-consumer recycled content in an easy-to-read size font.

E. Polystyrene Food Container means a non-recyclable 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.

F. Single-Use Plastic Straw means a straw sold or distributed for the purpose or intent of transferring a beverage from its container to the mouth of the drinker by suction, 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 shall not include straws or stirrers composed of non-plastic materials, such as bamboo, sugar cane, wood, or paper. The term Single-Use Plastic Straw 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 Township, provided such beverages are not altered, packaged or repackaged within the Township;
4. When provided as an assistance device to reasonably accommodate a disability.

G. Distribute or Provide means 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 Food Container whether or not incident to the sale, vending, or production of any merchandise or beverage.

H. Commercial Establishment means any person, corporation, partnership, business venture, vendor, or retail sales establishment located within the Township that regularly sells, rents, or provides food, merchandise, goods, or materials, whether perishable or non-perishable, 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, pharmacies, convenience and grocery stores, seasonal and temporary businesses or markets, service stations, delicatessens, retail stores, delivery services, or other similar nonresidential uses.

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

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

Except as provided in this Section, no Commercial Establishment shall provide a Single-Use Carry-Out Plastic Bag or Reusable Bag to a customer, patron, or user of the Commercial Establishment 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.

1. A Commercial Establishment may make available for sale to a customer, patron, or user of the Commercial Establishment a Recyclable Paper Bag for a mandatory, uniform charge of ten cents (\$0.10) per Recyclable Paper Bag.
2. Any charge for a Recyclable Paper Bag shall be separately stated on a receipt provided to the customer, patron, or user of the Commercial Establishment at the time of sale and shall be identified as the "Paper Carry-Out Bag Charge" thereon.

3. All monies collected by a Commercial Establishment for the sale of Recyclable Paper Bags under this Section may be retained and used by the Commercial Establishment for any lawful purpose.
4. All Commercial Establishments must post within such Commercial Establishment signage clearly indicating the per bag charge for Recyclable Paper Bags.
5. No Commercial Establishment shall rebate or otherwise reimburse a customer, patron, or user of the Commercial Establishment any portion of the charge required in subsection (1) above, except as provided in Subsection (6), below.. Any waiver of the charge by the Commercial Establishment or any reimbursement in any form to a customer, patron, or user of the Commercial Establishment for any portion of the charge for the provision of a Recyclable Paper Bag is a violation of this Section.
6. A Commercial Establishment which collects a charge for a Recyclable Paper Bag shall exempt a customer, patron or user of the Commercial Establishment from the fee when that customer, patron or user 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).
7. A Commercial Establishment may make available for sale a Reusable Bag to a customer, patron, or user of the Commercial Establishment.

B. Signage Requirement.

For six months after the effective date of this Ordinance, 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 customers, 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. State the mandatory, uniform charge of ten (\$0.10) cents per bag for any Recyclable Paper Bag that will be provided by the Commercial Establishment;
3. Provide the date such charges for Recyclable Paper Bags will begin to be collected;
4. Explain what types of bags and uses are impacted; and
5. Provide any other information the Township may require by regulation.

C. Permitted Bags and Carry-Outs.

1. Nothing in this Section shall be construed to prohibit customers, patrons, or users of the Commercial Establishment from (1) using bags of any type that the customers, 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.
2. Nothing in this Section shall be construed to prohibit the retail sale of Reusable Bags to customers, patrons and users of the Commercial Establishment.

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

Beginning 180 days after the effective date of this Ordinance, Commercial Establishments are prohibited from providing Single-Use Plastic Straws or Polystyrene Food Containers to a 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 Food Containers which (1) contain multiple Single-Use Plastic Straws or Polystyrene Food Containers, (2) are packaged by the manufacturers of such items at the time of their manufacture, and (3) are ultimately sold to consumers for home or business use.

§ 10-505. Exemptions.

The Board of Supervisors may, in its sole discretion, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Chapter for a period of not more than one year from the Effective Date upon a finding by the Board that the requirements of this Section would cause undue hardship to the Commercial Establishment. The Board 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:

- 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 Food Containers;
- B. Compliance with the requirements of this Section would deprive a Commercial Establishment of a legally protected right;
- 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 Food Containers.

§ 10-506. Enforcement and Penalties.

- A. The Township Manager or his/her designee(s) shall have the primary responsibility for enforcement of this Ordinance.

B. 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.

C. If the Township Manager or his/her 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 Township Manager or his/her 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 Ordinance.

D. If the Township Manager or his/her 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 \$250.00.

E. Each violation of the Commercial Establishment subsequent to the First Violation and occurring within twelve months of the First Violation ("Initial Twelve-Month Period") shall be punishable by a fine not to exceed \$500.00.

F. For the purposes of this Section, a new twelve (12) month period will begin on the anniversary of the First Violation ("Subsequent Twelve-Month Period"). The first violation to occur in each Subsequent Twelve-Month Period shall be punishable by a fine not to exceed \$250.00 with each subsequent violation in such Subsequent Twelve-Month Period punishable by a fine not to exceed \$500.00.

G. The Township 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.

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 ninety (90) days after the approval and adoption of this Ordinance.

V. Failure To Enforce Not A Waiver

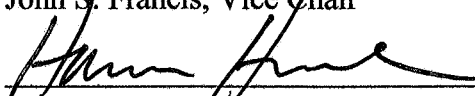
The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

ORDAINED AND ENACTED this 21 day of June, 2022.

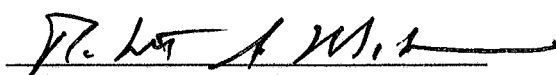
BOARD OF SUPERVISORS OF SOLEBURY
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA




Mark Baum Baicker, Chair

John S. Francis, Vice Chair


Hanna Howe, Member

Kevin Morrissey, Member


Robert A. McEwan, Member

Attest:


Catherine Cataldi, Township Secretary