

ORDINANCE NO.

**AN ORDINANCE AMENDING THE CODE OF THE TOWNSHIP
OF SPRINGFIELD (THE CODE) CHAPTER 85,
“SINGLE-USE PLASTIC CARRY-OUT BAGS”, TO REVISE SECTION 85-2,
DEFINITIONS, BY MODIFYING THE DEFINITIONS OF EXEMPT BAG AND
SINGLE-USE PLASTIC CARRY-OUT BAG**

IT IS HEREBY ENACTED AND ORDAINED BY THE BOARD OF
COMMISSIONERS OF SPRINGFIELD TOWNSHIP, MONTGOMERY COUNTY, PA AS
FOLLOWS:

SECTION 1. That the Code of the Township of Springfield, Chapter 85 “Single-Use Plastic Carry-Out Bags”, Section 85-2, Definitions, is hereby amended by modifying the definitions of Exempt Bag and Single-Use Plastic Carry-Out Bag to read as follows:

§85-2 Definitions

EXEMPT BAG – Exempt bags are not subject to regulation as single-use plastic carry-out bags per this Chapter. Exempt bags shall include: (1) laundry and dry-cleaning bags; (2) newspaper bags; (3) bags utilized by Retail Establishments in connection with food delivery and takeout orders consistent with subparagraphs “A” and “B” below, or pursuant to the definition of “Single-Use Plastic Carry-Out Bag” as found in this section; and (4) bags utilized in connection with the delivery of goods by mail or transportation delivery service providers. Additionally, a bag used at a Retail Establishment by a customer to deliver perishable items to the point-of-sale at that establishment shall be exempt from regulation as a single-use plastic carry-out bag per this Chapter, which may include, but are not necessarily limited to:

- A. bags used to package bulk items such as fruit, vegetables, nuts, grains, or candy;
- B. bags used to contain or wrap meats or fish or unwrapped prepared foods or bakery goods;
- C. bags used solely to contain live animals, such as fish or insects sold in a pet store;
- D. bags sold in packaging containing multiple bags and packaged at the time of manufacturing of the bag.

SINGLE-USE PLASTIC CARRY-OUT BAG – A bag made of plastic or other similar material that is provided by a Retail Establishment to a customer at or around the point of sale that is not a Reusable Bag or Recyclable Paper Bag. “Plastic” in this case refers to 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. A single use plastic bag is currently made through a blown film extrusion process. A “Single-Use Plastic Carry-Out Bag” shall not include the following:

(A) Exempt Bags;

(B) A bag less than one gallon without handles that is used to protect a purchased item from damaging or contaminating other purchased items when placed in a Reusable Bag, or Recyclable Paper Bag.

SECTION 2. The provisions of this ordinance are severable, and if any section, sentence, clause, part or provision hereof 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, sentences, clauses, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been adopted even if such illegal, invalid or unconstitutional section, sentence, clause, part or provision had not been included herein.

SECTION 3. The failure of the Township to enforce any provision of this Ordinance shall not constitute a waiver of the Township of its rights of future enforcement hereunder.

SECTION 4. This Ordinance shall take effect and be in force from and after its approval as required by the law.

SECTION 5. All other Ordinances and Resolutions or parts thereof insofar as they are inconsistent with this Ordinance are hereby repealed.

ORDAINED and ENACTED by the Board of Commissioners of Springfield Township, Montgomery County, Pennsylvania, this ____ day of _____ of 2023.

BOARD OF COMMISSIONERS OF
SPRINGFIELD TOWNSHIP

By: _____
James M. Lee, President

ATTEST:

A.M. Taylor, Secretary