

# BAN ON PLASTIC BAGS: CARLISLE BOROUGH

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## I. Introduction

Single-use waste, such as plastic bags, is extremely harmful to the environment and human health. According to Ecology Center, when single-use plastic is produced, toxins such as lead, cadmium, and mercury are released, which can lead to birth defects, immune system suppression, and developmental problems in children.<sup>1</sup> When single-use plastic bags inevitably enter waterways, they end up trapping or becoming ingested by aquatic lifeforms, thus damaging, or even killing these organisms.<sup>2</sup> Every year, approximately eight million metric tons of plastics plague our waterways and oceans on top of the 150 million metric tons that are currently circulating.<sup>3</sup> The Environmental Protection Agency documented that nearly every type of plastic that appears within our aquatic environments contains polyethylene, which is a key component of single-use plastic bags.<sup>4</sup>

The devastating impacts of single-use plastics bags have been observed worldwide, and as of June 2020, more than 470 jurisdictions in the United States have adopted single-use plastic bag ordinances.<sup>5</sup> Locally, the Borough of West Chester and the City of Philadelphia have made efforts to introduce ordinances banning single-use plastic bags.

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<sup>1</sup> Adverse health effects of plastics, ECOLOGY CENTER, <https://ecologycenter.org/factsheets/adverse-health-effects-of-plastics/> (last visited Nov 22, 2021).

<sup>2</sup> Sharon Jacobsen, PLASTIC BAG POLLUTION, [https://dpw.lacounty.gov/epd/PlasticBags/Articles/Googobits\\_07-21-05.pdf](https://dpw.lacounty.gov/epd/PlasticBags/Articles/Googobits_07-21-05.pdf) (last visited Nov 22, 2021).

<sup>3</sup> Nick Mallos, Guest Blogger & Anja Brandon, PLASTICS IN THE OCEAN OCEAN CONSERVANCY (2021), <https://oceanconservancy.org/trash-free-seas/plastics-in-the-ocean/> (last visited Nov 22, 2021).

<sup>4</sup> EPA, <https://www.epa.gov/trash-free-waters/plastic-pollution> (last visited Nov 22, 2021).

<sup>5</sup> “Bag Laws,” S. Walter Packaging (2020) and “Plastic Bag Law Maps,” [PlasticBagLaws.org](https://plasticbaglaws.org) (2019).

Both locations illustrate how they are amending the Code of their Boroughs to include this new provision.<sup>6</sup> They then also detail as to what the new provision is, and include definitions for the terms within the provision, so that there is no confusion for their citizens and businesses.<sup>7</sup> All ordinances also include an effective date.<sup>8</sup> West Chester's ordinance has a "Purpose and Findings" section at the beginning of their ordinance that explains how single-use plastic bags are dangerous to the environment and what the Borough hopes to achieve by eliminating their use.<sup>9</sup>

Within their ordinance, the Borough of West Chester addresses the problem by prohibiting single-use plastic bags, addressing compliant bags, setting out exemptions and how the ordinance will be enforced.<sup>10</sup> The city of Philadelphia similarly addresses the problem within their ordinance by prohibiting single-use plastic bags, addressing compliant bag and developing a signage requirement.<sup>11</sup> West Chester and Philadelphia include a section regarding compliant bags to discuss the various types of bags that their commercial establishments can provide to consumers. They both ban single-use plastic bags outright unless they are produced to reach a certain thickness (4.0 mm for West Chester and 2.25 mm thick for Philadelphia) to make them reusable.

The exemption provision that West Chester includes discusses how commercial establishments can request from the Borough a grace period of one year if the ordinance imposes an undue hardship on them. Enforcement is then discussed in West Chester's

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<sup>6</sup> Philadelphia, PA., Regulation of Businesses, Trades, and Professions, §9-4500 (2021)., and West Chester, PA., Plastic Bag and Plastic Straw Regulations, §81 (2021).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> West Chester, PA., Plastic Bag and Plastic Straw Regulations, §81 (2021).

<sup>10</sup> *Id.*

<sup>11</sup> Philadelphia, PA., Regulation of Businesses, Trades, and Professions, §9-4900 (2021).

next provision by announcing that there will be an individual who is responsible for overseeing the ordinance by doing things such as investigating violations and issuing warnings and fines using a tiered system. Philadelphia's signage requirement mandates that commercial establishments post conspicuous signage which will inform consumers of the types of bags which will no longer be provided at the commencement date of the ordinance.

By reducing the use of single-use plastic bags, litter on the streets, in parks, and in trees is curbed. Local streams and waterways are also protected from the litter as well. Socially, the aesthetic values of the Borough/City are also preserved by eliminating the use of single-use plastic bags. Lastly, taxpayer money can be allocated to other matters that the Borough/City needs rather than on plastic bag pick up.

The global issues mentioned at the start of this paper are directly from Carlisle's problem statement. Carlisle wants to play its role in fixing these global issues. The intent and purpose of our model ordinance is to protect the environment, particularly the stormwater drains and waterways where single-use plastic bags usually end up. The proposed model ordinance will eliminate the use of single-use plastic bags within commercial establishments, which is mainly where they are found. It will include the type of bags that commercial establishments can sell along with a bag fee that will be imposed on consumers. The proposed model ordinance will also create a position for an individual to enforce the provisions within the ordinance, investigate violations, and issue fines. Lastly, the proposed model ordinance will aid the community by noting that individuals who are a part of federal or state subsidized food programs will be provided a compliant bag free of charge, and if the ordinance imposes an undue hardship on any

commercial establishment, they will receive a grace period of one-year to comply with the ordinance.

This narrative will first address the problem that single-use plastic bags are imposing within the Carlisle Borough. Secondly, this narrative will address the lack of a single-use plastic bag ordinance within the Carlisle Borough. Thirdly, this narrative will discuss key elements from single-use plastic bag ordinances from other municipalities and how their ordinances solve the problem at hand and benefit their communities. Lastly, this narrative will recommend how the Carlisle Borough can draft their ordinance to solve their issue regarding the use of single-use plastic bags, and how the community can benefit socially, environmentally, and economically from the ordinance.

## **II. Carlisle's Global and Local Concerns Regarding Plastic Bags**

Carlisle's main concern is the impact that single-use plastic bags are having on the world on a global level. However, this section of the narrative will also discuss the minor problems that the Borough is having with single-use plastic bags and other reasons why Carlisle may want to enact a single-use plastic bag ban.

### **A. Global Concerns Are Everyone's Concerns**

The Carlisle Borough has made it clear that the global impact that plastic bags have on human health and the environment are major concerns of their Borough. The facts from the introduction are directly from Carlisle's problem statement. The Council of the Borough of Carlisle believe that these global issues are truly

concerning for their own citizens since these issues do not discriminate and can affect a multitude of people whether it is directly or indirectly.<sup>12</sup>

B. Local Stormwater Becomes Compromised

Though Carlisle's mission statement is primarily focused on the global impacts of single-use plastic bags, there are a couple other reasons as to why Carlisle should ban single-use plastic bags that will ultimately end up being of benefit to the Borough.

The Councilmen of the Borough touched on how single-use plastic bags affect stormwater operations. There is a streetsweeper that is responsible for providing services such as street sweeping and stormwater inlet cleaning.<sup>13</sup> The streetsweeper does not capture every single plastic bag that is on the street which leads to these plastic bags getting stuck on the metal grating over the stormwater inlets and going down stormwater drains.<sup>14</sup> Though it is not a significant impact to the overall operations of the department, it still is an issue.<sup>15</sup>

Since Carlisle is a municipality of Cumberland County, they must adhere to The Pennsylvania Stormwater Act of 1978 (known as Act 167).<sup>16</sup> Act 167 dictates that member counties must prepare and adopt a watershed stormwater management plan and have it reviewed and revised at least every five years.<sup>17</sup> Stormwater obstruction is one of the main issues that each county must address within their plan.<sup>18</sup> Single-use

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<sup>12</sup> Zoom Interview with Joel Hicks, Mike Skelly, Owen Snyder, and Susan Armstrong, Carlisle Borough Council (Sept. 2, 2021).

<sup>13</sup> *Id.*

<sup>14</sup> *Id.*

<sup>15</sup> *Id.*

<sup>16</sup> Storm Water Management Act, P.L. 864, No. 167, Cl.32

<sup>17</sup> *Id.*

<sup>18</sup> *Id.*

plastic bags create many obstructions within stormwater drains, thus compromising Cumberland County's obstruction provision within their plan for Act 167.<sup>19</sup>

Stormwater within storm drains becomes polluted by single-use plastic bags and inevitably ends up impairing local streams and rivers water supply, aquatic life, recreation, and fish consumption.<sup>20</sup> The pollution that the plastic bags contribute within stormwater ends up creating these negative effects<sup>21</sup>:

- 1) River water becomes undrinkable once plastic bags have broken down into toxic particles, thus creating a public health issue.
- 2) Once the plastic bags have been broken down into toxic particles, animals can end up ingesting them, thus poisoning our food chain.
- 3) Spaces between rocks end up getting clogged which ends up destroying many species' habitats.
- 4) Ducks, fish, turtles, and birds end up choking or suffocating on the plastic bags, which can lead to death.
- 5) Springs and wells can go dry due to the fact that groundwater levels aren't getting fully replenished.

#### C. Other Encouraging Reasons for Carlisle to Ban Plastic Bags

Single-use plastic bags also end up creating problems for Carlisle's Waste Management when they end up getting recycled by consumers.<sup>22</sup> Plastic bags are not

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<sup>19</sup> See Storm Water Management Act, *supra* note 16

<sup>20</sup> Janice Kaspersen, *Bag Lady with a Mission*, Stormwater (May 3, 2016).

<https://www.stormh2o.com/home/article/13023703/a-bag-lady-with-a-mission>

<sup>21</sup> *Be Stormwater Smart*. Department of Environmental Protection. (n.d.).

<https://www.dep.pa.gov/Business/Water/CleanWater/StormwaterMgmt/pages/be-stormwater-smart-.aspx>.

<sup>22</sup> See Storm Water Management Act, *supra* note 16

recyclable, and they cause damage to the machinery at Waste Management when they get tangled within them.<sup>23</sup> Employees have to shut down the plant and manually climb into the equipment and cut out the bags every time they get caught in the processing machinery, which is a hazardous and time-consuming process.<sup>24</sup> Plastic bags are considered to be the number one contaminant in these machines and the removal of them costs municipalities close to one million dollars a year.<sup>25</sup> Municipalities often cannot afford to purchase the specialized equipment that breaks down single-use plastic bags.<sup>26</sup> Even finding facilities that do have them and sending their own single-use plastic bags to them could prove to be costly.<sup>27</sup>

A misconception that consumers seem to have is that the single-use plastic bags that they receive in commercial establishments are free. However, that is far from the truth. Single-use plastic bags costs commercial establishments 3-5 cents per bag and that loss of profit is incorporated into the prices of items being sold at the establishment.<sup>28</sup> Getting rid of single-use plastic bags will force commercial establishments to become transparent about bag fees. Rather than inconspicuously incorporating the fee into items that the consumer buys, the fee for a compliant bag will be printed upon the consumer's receipt, allowing the consumer to decide whether or not they want to purchase a compliant bag.

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<sup>23</sup> *Customer Support & faqs: Waste management*. Customer Support & FAQs | Waste Management. (n.d). <https://www.wm.com/us/en/support/faqs/are-plastic-bags-recyclable>

<sup>24</sup> *Id.*

<sup>25</sup> 10 reasons why plastic bags should be banned, GREENTUMBLE (2020), <https://greentumble.com/10-reasons-why-plastic-bags-should-be-banned/> (last visited Nov 23, 2021).

<sup>26</sup> *Id.*

<sup>27</sup> *Id.*

<sup>28</sup> *Id.*

When single-use plastic bags end up being littered across our communities, it also costs money for clean-up. These costs are also covered by consumers. On average, the cost of single-use plastic bag pick-up is seventeen cents per bag.<sup>29</sup> This adds up to approximately 88 dollars that taxpayers pay per year for single-use plastic bag waste.<sup>30</sup> If single-use plastic bags are banned in Carlisle, taxpayer money can be allocated to other matters rather than plastic bag pick-up. The Borough has cited issues as road maintenance and maintaining public schools as more pertinent, therefore, taxpayer money can be used instead to help with these issues.<sup>31</sup>

Another reason as to why Carlisle should ban single-use plastic bags is because it contributes to making the municipality cleaner. Even though the Borough currently has no data as to how single-use plastic bags affects it environmentally, it is not far-fetched to say that stray plastic bags have probably been spotted in places that they shouldn't be. When single-use plastic bags are eliminated, it leads to neighborhoods becoming more attractive because there is less litter. Less litter creates cleaner streets, green spaces, and sidewalks. This can have an overall effect on people wanting to move into neighborhoods, as well.

### **III. Local Ordinances Cannot Adequately Address the Problem Because There is Currently No Single-Use Plastic Bag Ban Ordinance in Carlisle**

The Carlisle Borough does not have an adequate ordinance that addresses the issues that plastic bags are creating. Due to the fact that the Pennsylvania General

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<sup>29</sup> *Id.*

<sup>30</sup> *Id.*

<sup>31</sup> See Hicks, *supra* note 12

Assembly had a preemption on bans or fees relating to single-use plastics, the Carlisle Borough does not have any type of ordinance banning the use or production of single-use plastic bags.<sup>32</sup> Pennsylvania municipalities were preempted from establishing plastic bag bans until August of this year, making this collaboration with Widener Commonwealth and Dickinson students the very first attempt that Carlisle has made to begin drafting an ordinance.<sup>33</sup>

#### **IV. How The Problems Imposed by Single-Use Plastic Bags Have Been Addressed by Other Municipalities**

This section will first discuss the key elements from the plastic bag-ban ordinances from West Chester, Pennsylvania and Philadelphia, Pennsylvania. Our proposed model ordinance looked solely to these two ordinances for guidance. The key elements incorporated in these ordinances we found to be pertinent are the following: definitions, exemptions, and enforcement.

Since there is currently no data to report from the aforementioned locations, the next section of this paper will instead discuss how the single-use plastic bag ban ordinances from San Jose, California, San Francisco, California, and Seattle, Washington solved the single-use plastic bag issues within their cities and how their ordinances are improving their communities. California's single-use plastic bag statewide ban will be discussed as well. In order for the ordinances to be truly successful, there must be "integrated decision making" which takes social,

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<sup>32</sup> Pennsylvania House Bill 1083, 2020 (Prior Session Legislation)

<sup>33</sup> *Id.*

environmental, and economic factors into consideration.<sup>34</sup> These ordinances reflect “integrated decision making.”

A. Key Elements

Since the Carlisle Borough preferred to use ordinances from other municipalities from Pennsylvania to draft their own, we looked to West Chester and Philadelphia for guidance. Even though West Chester is smaller than Carlisle and Philadelphia is much larger than Carlisle, the key elements within both of ordinances were similar and can be used no matter the size of the municipality.

a. Definitions

Both the ordinances from West Chester and Philadelphia contain definitions that describe the terms within their ordinance. Terms that are of importance that are defined are: commercial establishment, compliant bag, and single-use plastic carry-out bag.<sup>35</sup> Having definitions about the various terms within an ordinance is very fundamental because it aids the community in knowing how it will be affected. Within these ordinances, the community knows what kind of businesses will be affected by the ordinance and what kind of bags will be offered to them when they patronize these businesses. Having definitions makes the ordinance easier to follow to a layperson.

i. Commercial Establishment

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<sup>34</sup> John C. Dernbach and Federico Cheever, *Sustainable Development and Its Discontents*, Transnational Environmental Law at 253.

<sup>35</sup> See Philadelphia, PA., *supra* note 6

A commercial establishment is generally described as a location where food and/or other products are available to the general public for sale or delivery.<sup>36</sup> Both ordinances incorporate examples such as drugstores, supermarkets, pharmacies, and department stores to help consumers understand what kind of places fall under a commercial establishment.<sup>37</sup>

ii. Compliant Bag

Within both ordinances, a compliant bag is described as a reusable bag that is made of cloth, fabric, or other material that is specifically designed and manufactured from multiple reuse (if the bag is made of plastic, it must be a minimum of 4.0 mm thick) or paper bags that meet all the following minimum requirements<sup>38</sup>:

- 1) It is considered a recyclable material based on the Borough Code, as the same may be amended from time to time, contains a minimum of 40% postconsumer recycled material and displays the words recyclable and/or reusable in a highly visible manner on the outside of the bag; or<sup>39</sup>
- 2) It can be composted<sup>40</sup>

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<sup>36</sup> See Philadelphia, PA., *supra* note 11

<sup>37</sup> See Philadelphia, PA., and West Chester, Pa., *supra* note 6

<sup>38</sup> *Id.*

<sup>39</sup> *Id.*

<sup>40</sup> *Id.*

Commercial establishments can provide a compliant bag to consumers in exchange for a \$0.10 fee.<sup>41</sup> The fee shall be reflected in the sales receipt and will be kept by the establishment.<sup>42</sup>

Consumers may also use any type of bag that they bring to a commercial establishment themselves without having to pay the fee for a compliant bag.<sup>43</sup>

iii. Single-Use Plastic Bag

The West Chester and Philadelphia ordinances differ as to what a single-use plastic bag is. West Chester defines it as “any bag made predominantly of plastic derived from either petroleum or a biologically based source, such as corn or other plant sources, that is provided by an Operator of a Commercial Establishment to a Customer at the point-of-sale.<sup>44</sup> The term does not include bags intentionally designed for reuse or product packaging.”<sup>45</sup> Philadelphia defines it as “a bag made from plastic that is less than 2.25 mils thick or made through a blown-film extrusion process.”<sup>46</sup>

b. Exemptions

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<sup>41</sup> *Id.*

<sup>42</sup> *Id.*

<sup>43</sup> *Id.*

<sup>44</sup> See West Chester, PA., *supra* note 9

<sup>45</sup> *Id.*

<sup>46</sup> See Philadelphia, PA., *supra* note 11

West Chester's ordinance states that commercial establishments must sell their customers compliant bags and not single-use plastic bags. Their ordinance details how a commercial establishment can be exempt from this rule for a period of one year from the effective date. The Borough Council, may upon written request of a commercial establishment, exempt them if it is proven that following the requirements of the ordinance would cause an undue hardship to the establishment.<sup>47</sup> West Chester considers the the commercial establishment having a unique circumstance or situation such that there are no reasonable alternatives to single-use plastic carry-out bags, an undue hardship.<sup>48</sup>

If a business believes that they have a unique challenge and should receive a one-year exemption from the ordinance, they can petition the Borough's Sustainability Advisory Committee through the Form Center located on the Borough's website. There they will enter information about their business, such as the name, location, business type, and most importantly, the reason why they are unable to eliminate single-use plastic bags from their business and the steps that they have taken to eliminate single-use plastic bags. The Committee will review the petition and exercise their own discretion in deciding whether the business should be given a one-year exemption.

c. Enforcement

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<sup>47</sup> *Id.*

<sup>48</sup> *Id.*

West Chester describes how the ordinance will be enforced in their Borough and how violators will be penalized.<sup>49</sup> The Borough Council has the ability to appoint an individual to inspect commercial establishments to ensure that they are following the ordinance and issue notices and fines if they are not.<sup>50</sup> The individual who is appointed can do things such as inspecting receipts to make sure that the compliant bag fee is being imposed and sampling bags for later inspection to ensure that they are reaching the Borough's minimum thickness requirement for plastic bags. For the first violation a notice will be issued.<sup>51</sup> A monetary fine is issued in a tiered approach for every following violation, starting with \$100, then \$200, and finally \$500 for every subsequent violation in the same year dating back from the first violation.<sup>52</sup> The Boroughs also have authority to seek legal, injunctive, or other equitable relief to enforce their ordinances.<sup>53</sup>

The Philadelphia ordinance requires 30 days after the effective date, and for six months thereafter, that all retail establishments post at all points of sale conspicuous signage: "informing customers that Single-use Plastic Bags and non-Recyclable Paper Bags will no longer be provided by the establishment as of the date the prohibition begins; explaining what types of bags and purchases are impacted; and providing any other

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<sup>49</sup> See Philadelphia, PA., and West Chester, Pa., *supra* note 6

<sup>50</sup> *Id.*

<sup>51</sup> *Id.*

<sup>52</sup> *Id.*

<sup>53</sup> *Id.*

information the Department may require by regulation.”<sup>54</sup> This aids in enforcement because it will be easy for an official to tell if an establishment is compliant or not.

In Philadelphia, although commercial establishments were not allowed to give customers single-use plastic bags starting October 1, 2021, the enforcement of the ban did not start on that date.<sup>55</sup> The city decided to allocate a six-month period for "awareness, education, and warning" before imposing fines on commercial establishments that do not abide by the ordinance.<sup>56</sup> Between October and April 1, 2022, commercial establishments will only receive warnings from the city.<sup>57</sup> From April 1, 2022, onward, commercial establishments will be fined penalties with the minimum being \$150.<sup>58</sup> Each violation of the ordinance is subject to a separate fine.<sup>59</sup> If a commercial establishment continues to violate the ordinance, the city may take them to court to have a judge impose harsher penalties.<sup>60</sup> Philadelphia’s citizens can also report a non-compliant commercial establishment by reaching out to them through the Philly311 website or the Philly311 contact center.<sup>61</sup>

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<sup>54</sup> See Philadelphia, PA., *supra* note 11

<sup>55</sup> Maria Pulcinella, PHILLY’S PLASTIC BAG BAN IS FINALLY HERE — WITH ENFORCEMENT STILL TO COME WHYY (2021), <https://whyy.org/articles/phillys-plastic-bag-ban-is-finally-here-with-enforcement-still-to-come/> (last visited Nov 24, 2021).

<sup>56</sup> *Id.*

<sup>57</sup> Frequently asked questions: Programs and initiatives, CITY OF PHILADELPHIA, <https://www.phila.gov/programs/plastic-bag-ban/frequently-asked-questions/> (last visited Nov 24, 2021).

<sup>58</sup> *Id.*

<sup>59</sup> *Id.*

<sup>60</sup> *Id.*

<sup>61</sup> *Id.*

## B. How these Ordinances Solve the Problem

Since Pennsylvania municipalities have just recently been allowed to pass single-use plastic bag bans, there is currently no data that shows whether or not these ordinances have been successful.<sup>62</sup> No municipalities within Pennsylvania passed a single-use plastic bag ban before the preemption on the ban took place either.

To show how effective single-use plastic bag bans have been regarding waste management, plastic bag clean-up, and beautifying the community, data from San Jose, California, San Francisco, California, and Seattle, Washington will be presented in this section.

### a. Waste Management

San Francisco, California has saved a reported \$600,000 per year in processing fees alone since there were fewer single-use plastic bags getting stuck within Waste Management machinery.<sup>63</sup> As previously mentioned, when single-use plastic bags get caught in the machinery at Waste Management, employees have to shut down the plant and manually climb into the equipment and cut out the bags every time they get caught in the processing machinery, which is a hazardous and time-consuming process.<sup>64</sup> It also has the potential to damage the machines.<sup>65</sup> Banning

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<sup>62</sup>John Whittaker, *Lawmaker Proposes Statewide Plastic Bag Ban*, Times Observer (May 24, 2021) <https://www.timesobserver.com/news/local-news/2021/05/lawmaker-proposes-statewide-plastic-bag-ban/>

<sup>63</sup>Alex Truelove, CALIFORNIA: NATION'S FIRST STATEWIDE PLASTIC BAG BAN CUTS WASTE U.S. PIRG (2021), <https://uspirg.org/blogs/blog/usp/california-nation%E2%80%99s-first-statewide-plastic-bag-ban-cuts-waste> (last visited Nov 24, 2021).

<sup>64</sup> See *Customer Support & faqs*, *supra* note 23

<sup>65</sup> See Truelove, *supra* note 63

single-use plastic bags has greatly alleviated the issues that California's Waste Management was facing because there are fewer bags being caught in the machinery.

b. Plastic-Bag Clean-Up

California hosts annual Coastal Clean-Up Days in September where volunteers pick-up and dispose of single-use plastic bags within their communities.<sup>66</sup> In 2017 it was noted that there was a 72% drop in single-use plastic bag litter when compared to 2010 and that single-use plastic bags account for less than 1.5% of all litter, compared to 10% in 2010.<sup>67</sup> Alameda County officials reported finding 433 single-use plastic bags, compared to 4,357 in 2010, while Monterey County reported that volunteers discovered only 43 plastic bags while performing their clean-up efforts, compared to 2,494 in 2010.<sup>68</sup> Having fewer plastic bags to clean up means that California communities can focus their volunteer efforts and taxpayer dollars on other issues.

c. Beautifying the Community

California voters upheld the state's single-use plastic bag ban in 2016 and since then, a multitude of cities have reaped the benefits of the ordinance. John Laird, California's Secretary for Natural Resources and a former Santa Cruz mayor and legislator noted that there was a substantial

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<sup>66</sup> Mercury News & East Bay Times Editorial Boards, EDITORIAL: SUCCESS! CALIFORNIA'S FIRST-IN-THE-NATION PLASTIC BAG BAN WORKS THE MERCURY NEWS (2017), <https://www.mercurynews.com/2017/11/13/editorial-success-californias-first-in-the-nation-plastic-bag-ban-works/> (last visited Nov 24, 2021).

<sup>67</sup> *Id.*

<sup>68</sup> *Id.*

decline in single-use plastic litter amongst the state’s rivers, beaches, and parkways.<sup>69</sup> It is safe to conclude that the ordinance has succeeded in reducing the severity of the single-use plastic bag litter issue that the state was facing.

### C. Environmental, Social, and Economic Benefits

To show how effective single-use plastic bag bans have been, data from San Jose, California, San Francisco, California, and Seattle, Washington will be discussed in the following three sub-sections: environmental benefits, social benefits, and economic benefits.

#### 1. Environmental Benefits

The city of San Jose, California imposed their single-use plastic bag ban in 2012. Since then, there has been an “89% reduction in plastic bags in storm drains, a 60% reduction in creeks and rivers, and a 59% drop in residential plastic waste.”<sup>70</sup> The city of Seattle, Washington has also seen a “48% drop in residential plastic bag waste, and a 76% decline in commercial plastic waste.”<sup>71</sup> This is proof as to how single-use plastic bag bans are very effective in addressing environmental concerns such as pollution and littering.

#### 2. Social Benefits

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<sup>69</sup> *Id.*

<sup>70</sup> Douglas Lober, A NEW STUDY ON PLASTIC BAG BANS REUSETHISBAG (2021), <https://www.reusethisbag.com/articles/where-are-plastic-bags-banned-around-the-world> (last visited Nov 24, 2021).

<sup>71</sup> *Id.*

People’s attitudes to single-use plastic bags can evolve and change to the point where they no longer feel the need to use them and will become more accepting of environmentally friendly options. A study by a California state agency called CalRecycle showed that only six months after the statewide plastic bag ban was put in place in 2014, “most transactions in which customers usually used plastic bags were completed without a customer buying a reusable bag; 86% of customers brought their own reusable bags or chose not to use a bag ... Most notably, there was an 85% reduction in the number of plastic grocery bags provided to customers.”<sup>72</sup>

### 3. Economic Benefits

As previously mentioned, San Francisco, California has saved a reported \$600,000 per year in processing fees at Waste Management facilities.<sup>73</sup> This capital benefits the city greatly as it can now be used for other matters that the city deems as important.

## V. Recommendations

This section will discuss the recommendations that the Carlisle Borough should make when composing their model ordinance. The following is a summary of our key elements: (1) banning any type of plastic from being a compliant bag, (2) creating a “Director for Sustainability and Development” position, (3) considering bag fee exemptions for individuals who need federal and/or state aid, and (4) eliminating

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<sup>72</sup> See Truelove, *supra* note 63

<sup>73</sup> *Id.*

incentives for commercial establishments. This section will also discuss how commercial establishments will be delegated the duty of funding their compliance with the ordinance.

A. Key Elements for the New Single-Use Plastic Bag Ban Ordinance for Carlisle

The most important commonality that the other municipalities (West Chester and Philadelphia) included in their ordinance was a compliant plastic bag of a certain thickness. After discussing what is important for the Carlisle Borough with their Councilmen, we came to the conclusion that our ordinance would not include plastic at all within the types of compliant bags that commercial establishments are allowed to give to consumers. The Borough does not want to contribute to any single-use plastic bag waste through commercial means, so we recommended that the compliant bags either be made out of paper, cloth, fabric, hemp, or other materials that are specifically designed and manufactured for multiple uses.

Enforcement of the ordinance is also something that the Borough is not taking lightly. Philadelphia did not include a section in their ordinance regarding its enforcement, but West Chester did. West Chester discussed having a Borough Manager that enforces the provisions of the ordinance, investigates violations, and issues fines.<sup>74</sup> We recommended that the Borough of Carlisle take a similar approach as West Chester and have an individual be delegated the duty of enforcing the ordinance. The Borough decided to create the position of “Director for Sustainability and Development” that would be responsible for this, however, we also recommend that the position be open to

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<sup>74</sup> See West Chester, PA., *supra* note 9

collaboration and advice from the Borough staff so that it does not become too overwhelming for one person.<sup>75</sup>

Neither of the ordinances that we based our ordinance on included a provision that aids consumers who may not be able to afford the compliant bag fee that commercial establishments will impose. We thought that as a subject of policy, individuals who are participating in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) program under 28 Pa. Code Pt. VII, the Supplemental Food Program under 55 Pa. Code Ch. 50, or any federal or state subsidized food program should be provided a compliant bag free of sale. It is important to not add any hardships to those who may be struggling financially.

The last key element of our proposed ordinance that we recommend is not having any incentives for the commercial establishments. The Borough believes that commercial establishments should not be awarded for “doing the right thing” by helping the environment, and that fine penalties are enough to prompt the establishments to follow the ordinance.<sup>76</sup>

#### B. How the Single-Use Plastic Bag Ban Ordinance Will Be Funded

Regarding funding, the Borough is asking all of the commercial establishments to front the costs of ordering and supplying the compliant bags for their customers.<sup>77</sup> As the bags get sold, the establishments will be able to recoup the costs that they spent from the fees that they impose on consumers. However, smaller commercial establishments may

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<sup>75</sup> Communication with Joel Hicks

<sup>76</sup> *Id.*

<sup>77</sup> *Id.*

not have the necessary capital to do this at the start of the ordinance’s effective date, therefore, we included an exemptions provision within the ordinance. The exemption provision will provide the commercial establishment a one-year grace period to comply with the ordinance if it is found that the ordinance imposes an undue hardship upon the commercial establishment.

**VI. Conclusion**

The devastating impact of the production and use of single-use plastic bags is apparent on both a global and local level. Large cities and smaller boroughs such as Carlisle, are taking the initiative by eliminating the use of single-use plastic bags within their communities. Prohibiting the sale of any kind of single-use plastic bag, no matter how thick, can lead to tangible environmental, social, and economic benefits that will directly impact the region. By creating a single-use plastic bag ban, Carlisle can do their part in helping fix a global issue while providing solutions to smaller local issues such as: protecting local stormwater, alleviating processing difficulties at Waste Management, providing transparency regarding bag fees, lessening the cost of single-use plastic bag clean-up, and creating cleaner and more aesthetically appealing neighborhoods.

ORDINANCE NO. \_\_\_\_  
BOROUGH OF CARLISLE  
CUMBERLAND COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF CARLISLE AMENDING THE CODE OF THE BOROUGH OF CARLISLE, TO ADD CHAPTER \_\_\_\_ TITLED, “PLASTIC BAG REGULATIONS” TO REGULATE THE DISTRIBUTION AND USE OF PLASTIC CARRY-OUT BAGS; TO ADD FINDINGS, DEFINITIONS, REQUIREMENTS, ENFORCEMENT, PENALTIES AND EXEMPTION RELATING TO THE DISTRIBUTION AND USE OF PLASTIC CARRY-OUT BAGS.

IT IS HEREBY ENACTED AND ORDAINED by Carlisle Borough, Cumberland County, Pennsylvania, as follows:<sup>78</sup>

ARTICLE \_\_\_\_

## **Chapter 1.**

### **Preliminary Provisions.**

#### **Section 101. Title.**

The ordinance shall be known and may be cited as Plastic Bag Regulations.<sup>79</sup>

#### **Section 102. Purpose.**

The purposes of the ordinance are:

- (1) to reduce the proliferation of plastic carry-out bags by commercial establishments within the Borough of Carlisle;
- (2) to reduce the litter on streets, including the clogging of storm drain covers, in parks, and in trees;
- (3) to protect the local rivers, streams, waterways and other aquatic environments;
- (4) to reduce greenhouse gas emissions and solid waste generation;
- (5) to preserve the natural, historic, scenic and esthetic values of the Borough of Carlisle; and

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<sup>1</sup> Direct language from a current Carlisle proposed ordinance located here <https://cms8.revize.com/revize/carlislepa/Government/ordinances/proposed%20ordinances/Rental%20Housing%20Ordinance%2003092020.pdf>.

<sup>2</sup> § 19.83. Title section, 101 PA ADC §19.83.

(6) to promote the use of reusable, compostable and recyclable materials within the Borough of Carlisle.<sup>80</sup>

### **Section 103. Legal Authority.**

This ordinance is enacted and ordained under:

- (1) The act of July 31, 1968 (P.L. 805, No.247), known as the Pennsylvania Municipalities Planning Code.<sup>81</sup>
- (2) 53 Pa. C.S. §2964<sup>82</sup> (relating to general powers of municipalities); and
- (3) Carlisle Borough Home Rule Charter §602.<sup>83</sup>

### **Section 104. Definitions.**

The following words and phrases when used in this ordinance shall have the meanings given to them in this section unless the context clearly indicates otherwise:

#### **BOROUGH<sup>84</sup>**

The Borough of Carlisle in Cumberland County, Pennsylvania.

#### **COMMERCIAL ESTABLISHMENT**

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<sup>80</sup> Adapted language from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-1. (2019)

<https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>81</sup> “Parking” Ordinances and Resolutions for Susquehanna Township (Fall 2019); 52 Pa. Stat. §10101 et. Seq. <https://widenerenvironment.wordpress.com/students/ordinances>

<sup>82</sup> 53 Pa. C.S. §2964.

<sup>83</sup> CARLISLE, PA., HOME RULE CHARTER §602 (2016).

<sup>84</sup> Formatting, including definitions in all caps, kept from Carlisle, PA., ZONING CODE Art. II, §255-12 (2015).

(1) A store or retail establishment that sells: (i) perishable or nonperishable goods, including, clothing, food and personal items, directly to the customer; and (ii) is located within or doing business within the geographical limits of the borough. (2) Commercial establishments include: (i) a business establishment that generates a sales or use tax; (ii) a drugstore, pharmacy, supermarket, grocery store, farmers market, convenience food store, food mart or other commercial entity engaged in the retail sale of a limited line of goods that include milk, bread, soda and snack foods; (iii) a public eating establishment, including a restaurant, take-out food establishment or any other business that prepares and sells prepared food to be eaten on or off its premises; and (iv) a business establishment that sells clothing, hardware or any other nonperishable goods.<sup>85</sup>

## **COMPLIANT BAG**

Any of the following:

- (1) A paper bag meets all the following requirements:
- (i) is composed of recyclable material based on the Borough Code, specifically §255-12<sup>86</sup>, if it contains a minimum of 40% post-consumer recycled material and displays the words recyclable or reusable in a highly visible manner on the outside of the bag;
  - (ii) contains no old growth fiber;<sup>87</sup> or

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<sup>85</sup> Verbatim from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.westchester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>86</sup> CARLISLE, PA., HOME RULE CHARTER §255-12 (2016).

<sup>87</sup> Adapted language from Philadelphia Pa., Bill. No. 190610-A, Ch. 9-4500, § 9-4501(4)(a). (2019) [file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20\(1\).pdf](file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20(1).pdf)

(iii) it can be composted.<sup>88</sup>

(2) A reusable bag made of cloth, fabric, hemp or other machine-washable fabric that is specifically designed and manufactured for multiple uses.<sup>89</sup>

## **CUSTOMER**

A person purchasing goods or services from a commercial establishment.<sup>90</sup>

## **EXEMPTED BAG**

A plastic carry-out bag may be used inside a commercial establishment by a customer to deliver perishable items to the point-of-sale at that commercial establishment including: (1) to package items such as fruit, vegetables, nuts, grains or candy<sup>91</sup>; (2) to contain or wrap meats or other uncooked food items to the point of sale, inside a commercial establishment;<sup>92</sup> (3) to contain unwrapped prepared foods or bakery goods; (4) to contain or wrap flowers, potted plants or similar items;<sup>93</sup> (5) a bag sold in packaging containing multiple bags and packages at the time of

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<sup>88</sup> Adapted language from West Chester, Pa., Ord. No. Ordinance 09-2019 Ch. 81, § 81-2. (2019) <https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>89</sup> [Adapted language from New Jersey, Law P.L. 2020, Ch. 117, C.13:1E-99.127. \(2020\)](https://www.nj.gov/dep/plastic-ban-law/)

<sup>90</sup> Verbatim from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>91</sup> Adapted language from Philadelphia Pa., Bill. No. 190610-A, Ch. 9-4500, § 9-4501(2)(a). (2019) [file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20\(1\).pdf](file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20(1).pdf)

<sup>92</sup> Verbatim from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>93</sup> Adapted language from Philadelphia Pa., Bill. No. 190610-A, Ch. 9-4500, § 9-4501(2)(a). (2019) [file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20\(1\).pdf](file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20(1).pdf)

manufacture of the bag;<sup>94</sup> or<sup>95</sup> (6) for reasons of public health and safety, to prevent food items from coming into direct contact with other purchased items.<sup>96</sup>

## **OPERATOR**

The person in control of, or having the responsibility for, the operation of a commercial establishment, which may include, but is not limited to the owner of the commercial establishment.<sup>97</sup>

## **PLASTIC CARRY-OUT BAG**

Any bag made from plastic, excluding exempted bags listed above, provided by a commercial establishment to a customer at the point of sale for the purpose of carrying away goods.<sup>98</sup>

## **POST-CONSUMER RECYCLED MATERIAL**

A material that would otherwise be destined for solid waste disposal, having completed its intended end use and product life cycle. The term does not include materials and by-products

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<sup>94</sup> *Id.*

<sup>95</sup> This section will remain here despite LRB's suggestions, per Carlisle's request.

<sup>96</sup> Verbatim from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.westchester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>97</sup> Adapted language from Santa Barbara, Ca., Municipal Code, Ch. 16B "Single-Use Plastic Bag Ban." § 16-B1. (2015) <https://lessismore.org/materials/275-single-use-plastic-bag-ban-ordinance/>

<sup>98</sup> [Adapted from Manhattan Beach, Ca., Ord. No. 2115, Ch. 5.88](http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52db7e2a5fb4e246e4ce/59bd52ab7e2a5fb4e246dd3a/1505579691640/leg_manhattan_beach_ordinance-text-unsigned.pdf?format=original), §5.88.010. (2008) [http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52db7e2a5fb4e246e4ce/59bd52ab7e2a5fb4e246dd3a/1505579691640/leg\\_manhattan\\_beach\\_ordinance-text-unsigned.pdf?format=original](http://static1.squarespace.com/static/59bd5150e45a7caf6bee56f8/59bd52db7e2a5fb4e246e4ce/59bd52ab7e2a5fb4e246dd3a/1505579691640/leg_manhattan_beach_ordinance-text-unsigned.pdf?format=original)

generated from and commonly reused within an original manufacturing and fabrication process.<sup>99</sup>

## **RECYCLABLE**

Material that can be sorted, cleansed and reconstituted using available recycling collection programs for the purpose of using the altered form in the manufacture of a new product.<sup>100</sup>

### **Chapter 2.**

#### **General Requirements.**

##### **Section 201. Dispensing of plastic carry-out bags prohibited.**

- (a) No commercial establishment in the Borough may provide to a customer or person a plastic carry-out bag for the purpose of carrying goods away from the point of sale.
- (b) The point-of-sale in such transactions is deemed to be at the commercial establishments, regardless of where payment for the transaction physically occurs.<sup>101</sup>

##### **Section 202. Compliant bags.**

- (a) General rule- A commercial establishment shall provide compliant bags to its customers at a price, as described below.

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<sup>99</sup>Adapted from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>; and <sup>99</sup> Adapted language from Santa Barbara, Ca., Municipal Code, Ch. 16B “Single-Use Plastic Bag Ban.” § 16-B1. (2015) <https://lessismore.org/materials/275-single-use-plastic-bag-ban-ordinance/>

<sup>100</sup> *Id.*

<sup>101</sup> Taken verbatim with only editing of redundancy from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

- (b) Fee- If a commercial establishment provides a compliant bag, for the purpose of carrying goods away from the point-of-sale, they shall charge a fee in the amount of \$0.15 per compliant bag. This charge shall be reflected in the sales receipt.<sup>102</sup>
- (c) A customer may use bags of any type, including plastic bags, that the customer brings to the commercial establishment, without incurring a fee for a compliant bag.<sup>103</sup>
- (d) Exception- Exempted bags shall be admissible for the sole purposes in §103 above.
- (e) A commercial establishment shall provide at the point of sale, free of charge, compliant bags at the commercial establishment’s option, to any customer participating in the Special Supplemental Nutrition Program for Women, Infants and Children (WIC) program under 28 Pa. Code Pt. VII or in the Supplemental Food Program under 55 Pa. Code Ch. 501 (relating to food stamp discretionary program).<sup>104</sup>
- (f) All commercial establishments must provide at the point of sale, free of charge, compliant bags at the commercial establishment’s option, to any customer participating in any federal or state subsidized food program.<sup>105</sup>

### **Chapter 3.**

#### **Enforcement, Violations and Exemptions.**

##### **Section 301. Enforcement.**

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<sup>102</sup> Zoom Interview with Joel Hicks and Karla Farrell, Carlisle Borough Council and Carlisle Climate Action Commission (Sep. 16, 2021).

<sup>103</sup> Taken verbatim with only editing of redundancy from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.west-chester.com/DocumentCenter/View/10745/Ordinance-2019-09-Plastics?bidId=>

<sup>104</sup> 39 Pa.B. 5292 WIC

<sup>105</sup> Zoom Interview with Joel Hicks and Karla Farrell, Carlisle Borough Council and Carlisle Climate Action Commission Nov. 5, 2021).

- (a) The borough staff, primarily the Director for Sustainability and Development, has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations in order to enforce the provisions of this chapter including investigating violations and issuing fines.<sup>106</sup>
- (b) A commercial establishment that fails to comply with any provision of this chapter shall be issued an initial written warning notice has been issued for the violation.<sup>107</sup>
- (c) If a commercial establishment violates a provision of this chapter after the issuance of a warning, the borough shall impose:
- (1) for the first violation, a fine not exceeding \$150;<sup>108</sup>
  - (2) for the second violation in the same year dating from the first violation, a fine not exceeding \$250;<sup>109</sup>
  - (3) for the third and subsequent violation in the same year dating from the first violation, a fine not exceeding \$500.<sup>110</sup>
- (d) In addition to the penalties set forth under subsection (c), the borough may seek legal, injunctive or other equitable relief to enforce this chapter.<sup>111</sup>

### **Section 302. Signage requirement.**

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<sup>106</sup> Adapted from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.westchester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>107</sup> *Id.*

<sup>108</sup> Zoom Interview with Joel Hicks and Karla Farrell, Carlisle Borough Council and Carlisle Climate Action Commission (Sep. 16, 2021).

<sup>109</sup> *Id.*

<sup>110</sup> *Id.*

<sup>111</sup> Adapted from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.westchester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

Beginning 30 days prior to the effective date of this chapter, and for two years thereafter, a commercial establishment shall post at all points of sale conspicuous signage: (1) informing customers that plastic carry-out bags will no longer be provided by the commercial establishment as of the effective date; (2) explaining what types of bags and purchases are impacted; and (3) providing any other information the borough may require by regulation.<sup>112</sup>

### **Section 303. Exemptions.**

- (a) The borough staff, primarily the Director for Sustainability and Development, may upon written request of a commercial establishment, exempt a commercial establishment from the requirements of this ordinance for a period of one year from the effective date of this ordinance upon a finding by the borough that the requirements of the chapter would cause undue hardship to the commercial establishment.<sup>113</sup> An undue hardship shall be found by the borough staff, primarily the Director for Sustainability and Development, only if the commercial establishment demonstrates that it has a unique situation or circumstance such that there are no reasonable alternatives to the use of plastic carry-out bags.<sup>114</sup>

### **Section 304. Appeals.**

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<sup>112</sup> Adapted language from Philadelphia Pa., Bill. No. 190610-A, Ch. 9-4500, § 9-4501(4)(a). (2019) file:///Bill%20No.%20190610-A02%20As%20Amended%20on%20Floor%20(1).pdf; with edits of a longer date, new definition of commercial establishment and redundancies redacted.

<sup>113</sup> Adapted from West Chester, Pa., Ord. No. 09-2019 Ch. 81, § 81-2. (2019) <https://www.westchester.com/DocumentCenter/View/10745/Ordinance-2019-09--Plastics?bidId=>

<sup>114</sup> *Id.*

An appeal of any disapproval, conditional or amended approval shall be made to the borough council, primarily the Director for Sustainability and Development, within 30 days of enactment of this ordinance.

#### **Chapter 4.**

#### **Severability, Repeals, and Effective date.**

##### **Section 401. Severability.**

The provisions of this ordinance and of the Code adopted hereby are severable, and if any clause, sentence, subsection, section, article, chapter or part thereof shall be adjudged by any court of competent jurisdiction to be illegal, invalid or unconstitutional, such judgement or decision shall not affect, impair or invalidate the remainder thereof but shall be confined in its operation and application to the clause, sentence, subsection, section, article, chapter or part thereof rendered illegal, invalid or unconstitutional.<sup>115</sup> It is hereby declared to be the intent of the Borough Council that this ordinance and the Code would have been adopted if such illegal, invalid or unconstitutional clause, sentence, subsection, section, article, chapter or part thereof had not been included therein.<sup>116</sup>

##### **Section 402. Repeals.**

All ordinances in force on the date of the adoption of this ordinance are hereby repealed insofar as they are inconsistent with the provisions of this ordinance, unless otherwise provided.<sup>117</sup>

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<sup>115</sup> This will stay in the ordinance, despite LRB's comments, since it is needed in the scoring guide.

<sup>116</sup> CARLISLE, PA., ZONING CODE Ch. 1, art I, § 1-3 (2005). (Direct quote from a different section of Carlisle's Zoning Code to be consistent.)

<sup>117</sup> Taken verbatim with edits of redundancies, Bethel Park, Pa., Code § 1.5.1

**Section 304. Effective date.**

This act shall take effect in 180 days.<sup>118</sup>

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<sup>118</sup> “Post-Pandemic Housing Ordinance for Non-Family Members” Model Ordinance (Fall 2020); 52 Pa. Stat. §10101 et. Seq. <https://widenerenvironment.files.wordpress.com/2021/01/non-family-members.pdf>