



**CHELTENHAM TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2501-25

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF
CHELTENHAM TOWNSHIP, MONTGOMERY COUNTY,
PENNSYLVANIA AMENDING THE CODE OF CHELTENHAM
TOWNSHIP TO REVISE CHAPTER 162, "SINGLE-USE PLASTIC
BAGS," TO INCLUDE REGULATIONS ON THE DISTRUBUTION
OF SINGLE-USE UTENSILS, STRAWS, AND EXPANDED
POLYSTYRENE PRODUCTS**

WHEREAS, the First Class Township Code authorizes the Board of Commissioners of Cheltenham Township, Montgomery County to make, amend, and adopt ordinances that are consistent with the Constitution and laws of the Commonwealth when necessary for the proper management, care and control of Cheltenham Township and the maintenance of peace, good government, health and welfare of Cheltenham Township ("Township") and its citizens; and

WHEREAS, the Township ordained and enacted Chapter 162: Single-Use Plastic Bags, in 2023 by Ordinance 2453-23, to achieve the Township's goals under Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment, by minimizing the degradation, diminution and depletion of the public natural resources and affirmatively enacting legislation designed to protect the environment; and

WHEREAS, single-use plastic utensils, straws, and expanded polystyrene food service products degrade into microplastics that pollute waterways, soil, and air and have been found present in the human body at alarming and exponential rates; and

WHEREAS, for the reasons set forth in more detail below, the Cheltenham Township Board of Commissioners intends to further preserve, maintain, and enhance the health and welfare of its residents and visitors, as well as the public natural resources and common property within the Township, by regulating the distribution of expanded polystyrene food service products, single-use plastic straws, and single-use plastic utensils within Cheltenham Township; and

NOW, THEREFORE, the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, hereby ordains and enacts as follows:

SECTION I. AMENDMENT TO THE CODE

The Cheltenham Township Code, Chapter 162, Single-use Plastic Bags is hereby amended to expand the title, purpose, and findings of the Ordinance as follows with ~~red strikethrough~~ language being removed and blue underlined language being added:

CHAPTER 162.
SINGLE-USE PLASTIC ~~BAGS~~ REGULATIONS.

§162-1. Purpose and Findings.

A. Purpose

- 1) The purpose of this Chapter is to reduce the use of single-use bags, utensils, straws, and expanded polystyrene products by retail establishments within Cheltenham Township; curb litter on the streets, in the parks, and in the trees, protect the local streams, rivers, waterways and other aquatic environments; reduce greenhouse gas emissions; reduce solid waste generation; promote the use of reusable, compostable, and recyclable materials within Cheltenham Township; preserve the natural, scenic, historic, and aesthetic values of Cheltenham Township; relieve the pressure on recyclers, who cite single-use plastic bags as a major source of contamination and inefficiency within the recycling stream; and relieve the pressure for landfills to manage the disposition of single-use products.

B. Findings.

- 1) The use of single-use ~~bags~~ plastic items has severe environmental impacts, including, but not limited to, greenhouse gas emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.
- 2) There are numerous retail establishments within Cheltenham Township that provide single-use plastic items ~~bags~~ to their customers.
- 3) Most single-use plastic bags, straws, utensils, and expanded polystyrene products ~~are made from plastic or other materials that~~ do not readily decompose and break down into microplastics and nanoplastics which have been found in the human body and can cross the blood-brain barrier.
- 4) Approximately ~~100,000,000,000~~ one hundred billion single-use plastic bags are discarded by United States consumers each year. Given the difficulty of recycling these materials, less than 1% of single-use plastic bags are returned for recycling in the United States, and in Cheltenham Township, such bags are not curbside recyclable.
- 5) Numerous studies have documented the prevalence of single-use plastic bags, straws, utensils, and expanded polystyrene products littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.
- 6) The taxpayers of Cheltenham Township pay the costs related to the cleanup of single-use plastic ~~bags~~ and expanded polystyrene products from Township roadways, trees, sewers, waters, and parks.
- 7) Recyclers cite single-use plastic bags as a major source of contamination within the recycling stream, leading to increased costs and decreased efficiency.
- 8) From an overall environmental and economic perspective, the best alternative to single-use plastic items ~~bags~~ is a shift to reusable ~~bags~~ materials followed by compostable or recyclable paper ~~bags~~ items.
- 9) Studies have documented that placing a prohibition on the distribution of single-use plastic bags at the point of sale and placing a mandatory fee on other bags encourages use of reusable bags and reduces the negative environmental impacts and use of single-use plastic bags. Studies have further shown that restricting the use of single-use straws, utensils, and expanded polystyrene products reduces the negative environmental impacts of unnecessary waste.
- 10) An important goal of Cheltenham Township is to preserve its natural, scenic, historic, and aesthetic values.
- 11) The Board of Commissioners desires to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and protect the public health and welfare, including wildlife, as a way to increase the quality of life for Cheltenham Township's residents and visitors.

SECTION II. AMENDMENT TO THE CODE

The Cheltenham Township Code, Chapter 162, Single-use Plastic Bags, Section 162-2. Definitions is hereby amended as follows with ~~red strikethrough~~ language being removed and blue underlined language being added:

EXPANDED POLYSTYRENE – Blown polystyrene and expanded and extruded foams that are thermoplastic petrochemical materials utilizing a styrene monomer and processed by a number of techniques, including, but not limited to: fusion of polymer spheres, known as expandable bead 20 polystyrene; injection molding; foam molding; and extrusion-blow molding, also including Styrofoam™, also known as extruded foam polystyrene.

EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT

- A. A product made of Expanded Polystyrene that is used for selling, providing, or transporting food or beverages.
- B. Shall include:
 - 1) Food containers.
 - 2) Plates.
 - 3) Hot and cold beverage cups.
 - 4) Trays.
 - 5) Clamshells.
- C. Shall not include:
 - 1) Food or beverages that have been packaged in expanded polystyrene outside the Township before receipt by a food establishment or store.
 - 2) A product made of Expanded Polystyrene that is used to package raw, uncooked, or butchered meat, fish, poultry, or seafood.
 - 3) Non-foam polystyrene food service products.

SINGLE-USE PLASTIC STRAW – 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 of Plastic, and which is primarily intended for a single use. The term shall also include a stirrer, a device used to mix beverages, intended for a single use, and made from Plastic. 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.

SINGLE-USE PLASTIC UTENSIL

- A. Any item primarily made from Plastic used or provided by a Retail Establishment to a Customer to serve, consume, or manipulate food or beverages, and which is primarily intended for a single use, other than a Single-Use Plastic Straw.
- B. Includes, but is not limited to, forks, spoons, sporks, knives, chopsticks, drink stirrers, beverage spill plugs, toothpicks, novelty cocktail accessories, and other drink or food accoutrements.
- C. Shall not include Utensils provided under the following circumstances:
 - (1) When packaged with beverages prepared and packaged outside of the Township, provided such beverages are not altered, packaged, or repackaged within the Township.
 - (2) When provided as an assistive device to reasonably accommodate a disability.

SECTION III. AMENDMENT TO THE CODE

The Cheltenham Township Code, Chapter 162, Single-use Plastic Bags, is hereby amended as follows with ~~red strikethrough~~ language being removed and blue underlined language being added:

§162-3. Single-Use Plastic Bags.

~~Beginning 90 days after the Effective Date,~~ Retail Establishments located in Cheltenham Township are prohibited from providing a Single-Use Plastic Bag to a Customer at the Retail Establishment or through a delivery. The point of sale in such transactions is deemed to be at the Retail Establishment, regardless of where payment for the transaction physically occurs.

§162-4. Single-Use Paper Bags.

- A. ~~Beginning 90 days after the Effective Date,~~ Retail Establishments are prohibited from providing a non-Recycled Paper Bag to a customer at the Retail Establishment or through a delivery.
- B. A Retail Establishment may provide a consumer with a Recycled Paper Bag at the point of sale if the bag is provided to the consumer for a charge of not less than \$0.10 per bag. Bags provided by pharmacists to contain prescription drugs are exempt.
- C. All monies collected by a Retail Establishment under this Section for the provision of a Recycled Paper Bag shall be retained by the Retail Establishment.
- D. Any charge for a Recycled Paper Bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified as the “Carry-Out Bag Charge” thereon.

§162-5. Reusable Bags.

- A. A Retail Establishment may provide a consumer with a Reusable Carryout Bag at the point of sale for a charge ~~established by the Retail Establishment~~ of not less than \$0.10 per bag.
- B. All monies collected by a Retail Establishment under this Section for the provision of a Reusable Bag shall be retained by the Retail Establishment.
- C. Any charge for a Reusable Bag shall be separately stated on any receipt provided to the customer at the time of sale and shall be identified as the “Carry-Out Bag Charge” thereon.

§162-6. Signage Requirement.

~~Beginning 30 days after the Effective Date, and for six months thereafter, Retail Establishments are required to post at all points of sale conspicuous signage informing customers that Single-Use Plastic Bags and non-Recycled Paper Bags will no longer be provided by the establishment as of the date the prohibition begins. Retail establishments that would ordinarily provide straws or utensils for takeout purposes may post signage informing customers that plastic straws and utensils are available upon request. This does not prohibit Retail Establishments from providing straws and utensils made out of biodegradable materials.~~

§162-7 Expanded Polystyrene Food Service Product.

Beginning 90 days after the Effective Date of this ordinance, Retail Establishments are prohibited from providing any Expanded Polystyrene Food Service Product to a customer at the Retail Establishment or through a delivery.

§ 162-8 Single-Use Plastic Straws.

Beginning 90 days after the Effective Date, Retail Establishments are prohibited from providing Single-Use Plastic Straws, except upon request of a customer.

§ 162-9 Single-Use Plastic Utensils.

Beginning 90 days after the Effective Date, Retail Establishments are prohibited from providing Single-Use Plastic Utensils, except upon request of a customer.

§162-~~7~~10. Enforcement.

- A. The Board of Commissioners or designee has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations in order to enforce the provisions thereof, including, but not limited to, investigating violations and issuing fines.
- B. Any Retail Establishment that violates or fails to comply with any of the requirements of this Chapter after an initial written warning notice has been issued for that violation shall be liable for a violation.
- ~~C. Any Retail Establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in §162-8 (Exemptions) below.~~
- D. In the event any Retail Establishment has subsequent violations of this Chapter after the issuance of an initial written warning notice of violation, the Township may issue a summary criminal citation and seek a minimum fine of \$500 and a maximum fine of \$1,000 upon conviction thereof in a summary proceeding brought before a Magisterial District Judge under the Pennsylvania Rules of Criminal Procedure. Each section of this Chapter violated shall constitute a separate offense, and each day or portion thereof in which a violation of this Chapter is found to exist shall constitute a separate offense, each of which violations shall be punishable by a separate fine imposed by the Magisterial District Judge. All fines and penalties collected for the violation of this Chapter shall be paid to Cheltenham Township.
- E. In addition to the penalties set forth in this Chapter, the Township may seek other appropriate legal, injunctive, or equitable relief to enforce this Chapter.

~~§162-8. Exemptions.~~

~~The Cheltenham Township Board of Commissioners may, upon written request of a Retail Establishment, exempt a Retail Establishment from the requirements of this Chapter for a period of one (1) year from the Effective Date of this Ordinance upon a determination that the requirements of this Chapter would cause undue hardship to the Retail Establishment. An “undue hardship” shall be found only if the Retail Establishment demonstrates that it has a unique circumstance or situation such that there are no reasonable alternatives to the use of Single Use Plastic Bags.~~

SECTION IV. Disclaimer.

Nothing in this Ordinance shall limit, in any manner whatsoever, the Township's right to enforce any ordinance or law of Cheltenham Township, Montgomery County or the Commonwealth of Pennsylvania. Nothing in this Ordinance shall be a defense of any citation issued by any municipal corporation or the Commonwealth pursuant to any other law or ordinance.

SECTION V. Severability.

The provisions of this Ordinance are severable, and if any Section, sentence, clause or phrase shall be held by a court of competent jurisdiction to be illegal, invalid, or unconstitutional, the remaining portions of this Ordinance shall not be affected or impaired thereby.

SECTION VI. Repealer.

Any ordinance or part of any Ordinance conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

SECTION VII. 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.

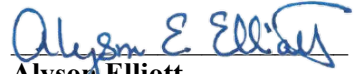
SECTION VIII. Effective Date

This Ordinance shall become effective immediately upon its legal enactment.

DULY ORDAINED AND ENACTED this **17th** day of **September, 2025**, by the Board of Commissioners of Cheltenham Township, Montgomery County, Pennsylvania, in lawful session duly

assembled.

ATTEST:



Alyson Elliott

Township Manager and Secretary

**TOWNSHIP OF CHELTENHAM
BOARD OF COMMISSIONERS**

By: 

Matthew D. Areman, President