

ORDINANCE NO. 02 -2022

BOROUGH OF WEST CHESTER

CHESTER COUNTY, PENNSYLVANIA

AN ORDINANCE OF THE BOROUGH OF WEST CHESTER, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE CODE OF THE BOROUGH OF WEST CHESTER, SPECIFICALLY CHAPTER 81 TITLED "PLASTIC BAG AND PLASTIC STRAW REGULATIONS", SECTION 81-2 TO ADD A DEFINITION FOR "TAKE OUT OR DELIVERY FOOD"; SECTION 81-3 TO MAKE IT CLEAR THAT THE PROHIBITION FOR SINGLE-USE PLASTIC CARRY-OUT BAGS APPLIES TO BAGS USED FOR TAKE OUT AND DELIVERY ORDERS; SECTION 81-5 TO NOT REQUIRE COMMERCIAL ESTABLISHMENTS TO CHARGE A \$.10 FEE FOR SINGLE-USE PLASTIC CARRY-OUT BAGS USED FOR TAKE OUT OR DELIVERY FOOD.

BE IT ENACTED AND ORDAINED, and it hereby enacted by authority of the Council of the Borough of West Chester, that Chapter 81 of the Borough Code, titled, "Plastic Bag and Plastic Straw Regulations" is amended as follows:

SECTION 1. The following definition shall be added to Section 81-2:

"**TAKE OUT OR DELIVERY FOOD** – food ordered from and prepared by a Commercial Establishment, expressly for consumption off-site, which is either picked up by the Customer or delivered to the Customer at a physical location other than that of the Commercial Establishment."

SECTION 2. Section 81-3 titled "Single-Use Plastic Carry-Out Bags Prohibited" shall be amended as follows:

"§ 81-3. Single-Use Plastic Carry Out Bags Prohibited.

Effective January 1, 2020, no Commercial Establishment shall provide to any Customer a Single-Use Plastic Carry-Out Bag, as defined in §81-2 above. This prohibition applies to bags provided for the purpose of carrying goods away from the point-of-sale. This prohibition applies to Single-Use Plastic Carry-Out Bags used for takeout and delivery orders from Commercial Establishments within the Borough of West Chester."

SECTION 3. Section 81-5 titled "Compliant Bags" shall be amended as follows:

“§ 81-5. Compliant bags.

- A. If the Commercial Establishment provides a Compliant Bag, as defined in §81-2 above, for the purpose of carrying goods or other materials away from the point-of-sale, they shall charge a fee in the amount of \$0.10 per Compliant Bag. This charge shall be reflected in the sales receipt.
- B. The \$.10 fee per Compliant Bag is not required for bags used for Take Out or Delivery Food.
- C. Customers may use bags of any type that they bring to the Commercial Establishment themselves, without incurring a fee for a Compliant Bag.”

SECTION 4. SEVERABILITY. If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Council of the Borough of West Chester that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section or part thereof not been included therein.

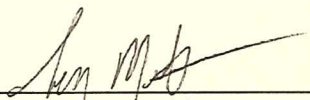
SECTION 5. REPEALER. All Ordinances or parts of Ordinances conflicting with any provisions of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 6. EFFECTIVE DATE. This Ordinance shall become effective upon enactment as provided by law.

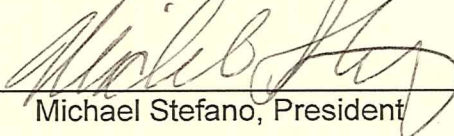
ENACTED AND ORDAINED THIS 16th DAY OF MARCH, 2022.

ATTEST:

**COUNCIL FOR THE BOROUGH OF
OF WEST CHESTER**

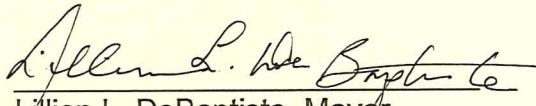


Sean Metrick, Secretary

By: 

Michael Stefano, President

APPROVED THIS 16TH DAY OF MARCH, 2022.



Lillian L. DeBaptiste, Mayor