

**WEST NORRITON TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2026-783

AN ORDINANCE OF WEST NORRITON TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, AMENDING THE TOWNSHIP CODE TO CREATE A NEW CHAPTER, STYROFOAM PRODUCT REGULATIONS, TO REGULATE THE DISTRIBUTION AND USE OF EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS; TO PROMOTE AND FACILITATE REUSABLE CONTAINER USE; AND TO ADD FINDINGS, DEFINITIONS, FEES, REQUIREMENTS, ENFORCEMENT, PENALTIES, AND EXEMPTIONS RELATING TO THE DISTRIBUTION AND USE OF EXPANDED POLYSTYRENE FOOD SERVICE PRODUCTS

WHEREAS, the Pennsylvania First Class Township Code and the Pennsylvania Municipalities Planning Code, 53 P.S. § 10101, *et seq.*, authorizes the Board of Commissioners of West Norriton Township (“Board”) 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 West Norriton Township (“Township”) and the maintenance of peace, good government, health and welfare of the Township and its citizens;

WHEREAS, Article 1, Section 27 of the Pennsylvania Constitution, known as the Environmental Rights Amendment (the "Amendment"), 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 a Trustee of these resources, the Commonwealth shall conserve and maintain them for the benefit of all the people;

WHEREAS, the Amendment imposes two basic duties on the Commonwealth and its political subdivisions, such as the Township, to: 1) prohibit the degradation, diminution, and depletion of the public natural resources, and 2) act affirmatively via legislative action to protect the environment. *Pennsylvania Environmental Defense Foundation v. Commonwealth of Pennsylvania*, 161 A.3d 911 (Pa. 2017);

WHEREAS, this ordinance is enacted to achieve the Township’s duties under the Amendment by minimizing the degradation, diminution, and depletion of the public natural resources within the Township and to affirmatively enact legislation designed to protect the environment within and around the Township;

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

WHEREAS, the Board of Commissioners has met the procedural requirements of the First-Class Township Code for the adoption of the proposed ordinance, including advertising and holding a

public hearing; and

WHEREAS, the Board of Commissioners, after due consideration of the proposed ordinance at a duly advertised public hearing, has determined that the health, safety, and general welfare of the residents of West Norriton Township will be served by this amendment of the West Norriton Township Code to regulate the distribution and use of expanded polystyrene food service products within West Norriton Township;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, it is hereby enacted and ordained by the authority of same, as follows:

- I. Code Amendment. A new Chapter entitled “Styrofoam Product Regulations” is hereby added to Municipal Code, Chapter 17 B, General Legislation, of the West Norriton Township Code to provide as follows:**

STYROFOAM PRODUCT REGULATIONS

§1. Purpose and Findings.

A. Purpose. The purpose of this Chapter is:

- (1) To reduce the use of expanded polystyrene food service products within the Township.
- (2) To 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 West Norriton Township, and to preserve the natural, scenic, historic, and esthetic values of West Norriton Township.
- (3) To relieve the pressure on recyclers servicing the Township, who cite expanded polystyrene food service products as a major source of contamination and inefficiency within the recycling stream.
- (4) To relieve the pressure for Township utilized landfills to manage the disposition of single-use products.

B. Findings.

- (1) The use of expanded polystyrene food service products has severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.
- (2) There are several commercial establishments within West Norriton Township which provide expanded polystyrene food service products to their customers, sometimes without the request or the desire of the customers.
- (3) Expanded polystyrene food service products do not readily decompose.

- (4) Numerous studies have documented the prevalence of expanded polystyrene food service products littering the environment, blocking storm drains, entering local waterways, and becoming stuck in or upon natural resources and public property.
- (5) The taxpayers of West Norriton Township pay the costs related to the cleanup of expanded polystyrene food service products from the roadways, trees, sewers, waters, and parks within the Township.
- (6) Recyclers cite expanded polystyrene food service products as a major source of contamination within the recycling stream, leading to increased costs to the Township and decreased efficiency.
- (7) There are several alternatives to expanded polystyrene food service products readily available in and around West Norriton Township.
- (8) An important goal of West Norriton Township is to procure and use sustainable products and services.
- (9) An important goal of West Norriton Township is to preserve the natural, scenic, historic, and esthetic values of West Norriton Township.
- (10) It is West Norriton Township's desire to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.
- (11) As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Township seeks to preserve the natural, scenic, historic, and esthetic values of the Township.
- (12) It is the desire of the Board of Commissioners to conserve resources, reduce the amount of greenhouse gas emissions, waste, litter, water pollution, and to protect the public health and welfare, including wildlife, all of which increases the quality of life for the Township's residents and visitors.

§2. Definitions.

For purposes of this Chapter, the following terms shall be defined as follows:

CUSTOMER – Any person purchasing goods or services from a Commercial Establishment, whether directly or through a delivery service. A Customer shall include a person receiving goods from a Commercial Establishment to deliver to another person who purchased such goods.

COMMERCIAL ESTABLISHMENT - Any store or retail establishment that sells perishable or nonperishable goods, including, but not limited to, clothing, food, and personal items, directly to the customer and is located within or doing business within the geographical limits of the West Norriton

Township. Commercial Establishments include, but are not limited to, a business establishment that generates a sales or use tax; a drugstore, pharmacy, supermarket, grocery store, farmers market, delicatessen, service station, a temporary or seasonal market or vendor, food truck, 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; a public eating establishment (i.e. a restaurant, take-out food establishment, or any other business that prepares and sells prepared food to be eaten on or off its premises or delivered off premises); and a business establishment that sells clothing, hardware, or any other nonperishable goods.

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: fusion of polymer spheres, known as expandable bead polystyrene; injection molding; foam molding; and extrusion-blow molding, also known as extruded foam polystyrene. Styrofoam shall be included as Expanded Polystyrene.

EXPANDED POLYSTYRENE FOOD SERVICE PRODUCT – A non-recyclable product made of synthetic resin of polystyrene or expanded polystyrene that is used for selling, providing, or transporting food or beverages including, but not limited to, food containers (including “clamshell”, hinged, or lidded packaging/food containers), plates, hot and cold beverage cups, and/or trays. However, an Expanded Polystyrene Food Service Product shall not include:

- a. food, beverages, or other items that have been packaged in Expanded Polystyrene outside the West Norriton Township for general distribution;
- b. a product made of Expanded Polystyrene that is used to package raw, uncooked, or buttered meat, fish, poultry, or seafood;
- c. non-foam Expanded Polystyrene Food Service Products;
- d. a package or container containing multiple Expanded Polystyrene Food Service Products packaged by the manufacturer at the time of manufacturing and sold for home or business use.

OPERATOR – A person in control of, or having responsibility for, the operation of a Commercial Establishment, which may include, but is not limited to, the owner or manager of the Commercial Establishment.

PLASTIC – 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.

§3. Expanded Polystyrene Food Service Products.

Effective April 22, 2026, Commercial Establishments are prohibited from providing an Expanded Polystyrene Food Service Product to a Customer at the Commercial Establishment or through a delivery service.

§4. Temporary Signage Requirement.

Beginning **sixty (60)** days after the enactment date of this Ordinance, and for **six (6) months** after the effective dates set forth above, Commercial Establishments shall post conspicuous signage at all points of sale informing Customers of the following:

- (1) that Expanded Polystyrene Food Service Products will no longer be provided by the Commercial Establishment as of the date the above stated prohibitions;
- (2) any other information West Norriton Township may require by regulation.

§5. Exemptions.

The Township Manager or their designee may, upon written request of a Commercial Establishment, exempt a Commercial Establishment from the requirements of this Chapter for a period of one (1) year from the effective date of this Ordinance upon a finding by the Township Manager or their designee that the requirements of this Chapter would cause undue hardship to the Commercial Establishment. An "undue hardship" shall be found only if the Commercial Establishment demonstrates one or more of the following:

- (1) that it has a unique circumstance or situation such that there are no reasonable alternatives to the use of Expanded Polystyrene Food Service Products;
- (2) Compliance with this Chapter would deprive the Commercial Establishment of a legally protected right, with such right being specifically identified by the Commercial Establishment;
- (3) Additional time is necessary to deplete an existing inventory held by the Commercial Establishment, as of the effective date of this Ordinance, of Expanded Polystyrene Food Service Products;

§6. Enforcement.

- (1) The Township Manager or their designee has the responsibility for enforcement of this Chapter and may promulgate reasonable rules and regulations to enforce the provisions thereof, including, but not limited to, investigating and reporting violations and issuing verbal or written warnings and/or fines.
- (2) Any Operator and/or Commercial 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 in violation and subject to the penalties established herein.
- (3) Any Operator and/or Commercial Establishment that receives an initial written warning notice may file a request for an exemption pursuant to the procedure in §9 above if the warning is issued within a year of the effective date of this Ordinance.
- (4) After a written warning is issued, and if additional violations occur, an Operator and/or a

Commercial Establishment shall, upon conviction in a summary proceeding under the Pennsylvania Rules of Criminal Procedure, be guilty of a non-traffic summary offense and shall be punishable by a fine as set forth below, plus court costs and reasonable attorneys' fees incurred by the Township through enforcement proceedings. The fines for violations of this Chapter shall be as follows:

- (a) \$50.00 for a first offense occurring within twelve months of the written warning;
 - (b) \$100.00 for a second offense occurring within twelve months of the first offense;
and
 - (c) \$200.00 for a third offense occurring within twelve months of the second offense,
and for each subsequent offense occurring within twelve months of the
immediately prior offense.
- (5) For the purposes of enforcement under this Chapter, a separate offense shall occur each day an Operator and/or Commercial Establishment is violating a requirement of this Chapter. In addition, penalties may be imposed against both, or either, the Operator and/or the Commercial Establishment for the same violation of this Chapter.
- (6) In addition to or in lieu of the penalties set forth in this Chapter, West Norriton Township may seek additional legal, injunctive, or other equitable relief to enforce this Chapter.
- (7) The penalty provisions of this Chapter shall not limit the ability of the Township to enforce other Township ordinances and to utilize the penalties, remedies and procedures provided under such other Township ordinances and/or Federal or Commonwealth laws.

SECTION II. Severability. The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and, should any portion, part, or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable, or unconstitutional, the West Norriton Township Board of Commissioners hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance, and the remainder of the Ordinance shall remain in force.

SECTION III. Repealer. Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION IV. Effective Date. This Ordinance shall become effective upon enactment as provided by law, with enforcement of this Ordinance to occur on the specific date(s) set forth in Section I above.

SECTION V. Failure to Enforce Not a Waiver. The failure of West Norriton Township to enforce or delay enforcement of any provision of this Ordinance shall not constitute a waiver by West Norriton Township of its rights to future enforcement hereunder.

ORDAINED AND ENACTED by the Board of Commissioners of West Norriton Township, Montgomery County, Pennsylvania, this _____ day of _____, 2026.

ATTEST:

**WEST NORRITON TOWNSHIP
BOARD OF COMMISSIONERS**

By: _____
Jason Bobst, Township Manager

By: _____
Anne Pavone, President
West Norriton Township
Board of Commissioners