

ORDINANCE NO. 2025---

BOROUGH OF MEDIA

DELAWARE COUNTY, PENNSYLVANIA

AN ORDINANCE OF MEDIA BOROUGH, DELAWARE COUNTY, PENNSYLVANIA, AMENDING THE TITLE OF CHAPTER 221 OF THE CODE OF MEDIA BOROUGH, TITLED, “PLASTIC, SINGLE-USE” TO BE TITLED “SINGLE USE PRODUCT REGULATIONS”; TO AMEND SECTION 221-1, TITLED, “PURPOSE AND FINDINGS”; TO AMEND SECTION 221-2 TO ADD DEFINITIONS FOR POLYSTYRENE (STYROFOAM) AND POLYSTYRENE FOOD SERVICE PRODUCTS; TO ADD A NEW SECTION 221-4.1 TITLED “POLYSTYRENE FOOD SERVICE PRODUCTS REGULATIONS” TO PROHIBIT THE USE OF POLYSTYRENE FOOD SERVICE PRODUCTS BY COMMERCIAL ESTABLISHMENTS AND ESTABLISH OTHER REGULATIONS RELATING TO THE USE OF POLYSTYRENE FOOD SERVICE PRODUCTS IN MEDIA BOROUGH EFFECTIVE SIX MONTHS FROM THE EFFECTIVE DATE OF THIS ORDINANCE

WHEREAS, the Pennsylvania Borough code authorizes the Borough of Media 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 and the maintenance of peace, good government, health and welfare of the Borough and its citizens; and

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 trustee of these resources, the Commonwealth and its political subdivisions shall conserve and maintain them for the benefit of all the people; and

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

WHEREAS, this Ordinance is enacted to achieve the Borough's duties under the Amendment by minimizing the degradation, diminution, and depletion of the public natural resources and to affirmatively enact legislation designed to protect the environment; and

WHEREAS, the Borough Council, intending to preserve, maintain, and enhance the health of its residents and visitors, as well as the public natural resources and common property within the Borough, previously enacted Ordinance No. 1155 on July 21, 2022, which is codified in Chapter 221 of the Media Borough Code (“Chapter 221”) to prohibit the distribution of single-use, carry-out plastic bags and single-use, plastic straws manufactured via a blown-film extrusion process within the Borough; and

WHEREAS, the Borough Council desires to amend Chapter 221 to include a prohibition of the distribution of polystyrene food service products from Commercial Establishments, as that term is defined in Section 221-2 of the Code, as amended hereby;

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Borough Council of Media Borough, Delaware County, Pennsylvania, it is hereby enacted and ordained that Chapter 221 of the Code shall be amended as follows:

SECTION 1. Chapter 221 of the Media Code shall be retitled “Single Use Product Regulations.”

SECTION 2. Section 221-1 titled “Purpose and findings” shall be amended as follows:

“§221-1. Purpose; findings.

A. The purpose of this chapter is:

(1) To reduce the use of single-use plastic bags, single-use plastic straws, including single-use plastic drink stirrers, and polystyrene products in order to curb litter on the streets, in parks, and in 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 the Borough of Media and to preserve the natural, scenic, historic, and esthetic values of the Borough of Media.

(2) To relieve the pressure on recyclers, who cite single-use plastic bags and polystyrene products as a major source of contamination and inefficiency within the recycling stream.

(3) To relieve the pressure for landfills to manage the disposition of single-use plastic products and polystyrene products.

B. Findings.

(1) The use of single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products have severe environmental impacts, including greenhouse gas emissions, litter, harm to wildlife, ground level ozone formation, atmospheric acidification, water consumption, and solid waste generation.

(2) Some commercial establishments within the Borough of Media provide single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products food service products to their customers.

(3) Single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products food service products do not readily decompose.

(4) Approximately, 100,000,000,000 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 the Borough of Media, such bags are not curbside recyclable. Hundreds of millions of single-use plastic straws are discarded by United States consumers every day. In Media Borough, such straws are not readily recyclable.

(5) Numerous studies have documented the prevalence of single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products food service 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 the Borough of Media pay the costs related to the cleanup of single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products food service products from the roadways, trees, sewers, waters, and parks within the Borough.

(7) Recyclers cite single-use plastic bags and polystyrene products food service products as a major source of contamination within the recycling stream, leading to increased costs and decreased efficiency.

(8) Single-use plastic straws are small and tend to fall into the crevices of recycling machinery. They end up not being recycled and contribute to litter, water pollution and problems for marine wildlife.

(9) From an overall environmental and economic perspective, the best alternative to single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products food service products is a shift to reusable, recyclable or compostable alternatives ~~bags and straws followed by recyclable paper bags and straws.~~

(10) There are several alternatives to single-use plastic bags, ~~and~~ single-use plastic straws and polystyrene products food service products readily available in and around the Borough of Media.

(11) An important goal of the Borough of Media is to encourage the use of sustainable products and services.

(12) Studies have documented that placing a prohibition on the distribution of single-use plastic bags and single-use plastic straws at the point of sale and placing a fee on other single-use bags reduces plastic litter and the use of single-use bags and single-use plastic straws.

(13) As required by the Environmental Rights Amendment to the Pennsylvania Constitution, the Borough of Media seeks to preserve the natural, scenic, historic, and esthetic values of the Borough.

(14) It is the Media Borough Council'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 Media Borough's residents and visitors.

SECTION 3. The following definitions shall be added to Section 221-2:

POLYSTYRENE– A thermoplastic petrochemical material that utilizes a styrene monomer to create expanded or extruded polystyrene (EPS), often referred to by trademarked name Styrofoam. The term shall not include products that contain extruded polystyrene that has not been expanded or foamed.

POLYSTYRENE FOOD SERVICE PRODUCT- A product made of polystyrene (Styrofoam) 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 Polystyrene outside Media Borough for general distribution before receipt by the Media Borough Commercial Establishment.

SECTION 4. A new Section 221-4.1 titled, "Polystyrene Food Service Products Regulations" shall be added and provide as follows:

"§ 221-4.1.61-4.1. Polystyrene Food Service Products Regulations.

Effective six months from the effective date of this Ordinance:

- a. No Commercial Establishment shall package meat, eggs, bakery products, or other food or beverage made or sold within the Borough in polystyrene containers.
- b. No Commercial Establishment that sells tangible personal property at retail shall sell polystyrene food or beverage containers.
- c. The Borough shall not use or provide polystyrene food service products at any town facility or town sponsored event.
- d. No Borough department shall purchase or acquire polystyrene food service products.
- e. All parties who contract with the Borough shall be prohibited from using polystyrene food service products in any Borough facilities or on Borough-funded projects within the Borough, including farmers markets and distribution centers.

SECTION 5. 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 Borough Council of Media Borough that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included therein.

SECTION 6. REPEALER. All Ordinances or parts of Ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 7. EFFECTIVE DATE. This Ordinance shall become effective upon enactment, but shall not be enforceable for a period of six months following its enactment.

[SIGNATURE PAGE FOLLOWS]

ENACTED AND ORDAINED, by the Borough of Media, Delaware County, Pennsylvania, this
___ day of _____, 2025.

Attest:

BOROUGH OF MEDIA

PRESIDENT OF COUNCIL
MARK PAIKOFF

SECRETARY
BRITTANY N. FORMAN

Approved this ___ day of _____, 2025

MAYOR
ROBERT A. McMAHON