

# Ordinance No. 1513-2019

Council Member(s) Kelley

## AN EMERGENCY ORDINANCE

Exempting retail establishments in the City of Cleveland from Cuyahoga County's Disposable Bag Ban, Chapter 1304 of the Cuyahoga County Code, and establishing a working group to study and recommend to this Council the most effective way to eliminate retail use of disposable bags by January 1, 2021.

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WHEREAS, the Cuyahoga County Council has enacted Chapter 1304 of the Cuyahoga County Code which prohibits the use of disposable plastic bags and non-permitted paper bags by retail establishments in Cuyahoga County beginning on January 1, 2020; and

WHEREAS, this Council is in the best position to understand the needs of retail establishments located in Cleveland, including the financial burdens and economic factors that can challenge these establishments; moreover, this Council best understands the needs of Cleveland residents and the people who patronize Cleveland retail establishments; and

WHEREAS, this Council intends to exempt Cleveland retail establishments from Chapter 1304 of the Cuyahoga County Code; and

WHEREAS, this Council intends to establish a working group to study and recommend the most effective way to eliminate retail use of disposable bags in the City by January 1, 2021; and

WHEREAS, upon such recommendation, Council will create the City's own regulations to end the use of disposable bags by retail establishments in the City of Cleveland; and

WHEREAS, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health or safety in that it is in the best interests of City of Cleveland retail establishments and their customers to exempt Cleveland retail establishments from the County-wide disposable bag ban and judiciously examine the best way to eliminate the use of disposable bags by retail establishments in the City; now, therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That, for the reasons stated in the preamble of this ordinance, retail establishments located in the City of Cleveland are exempt from Cuyahoga County's Disposable Bag Ban, Chapter 1304 of the Cuyahoga County Code.

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Section 2. That a working group is established for the purpose of studying and recommending to the Council, by January 1, 2021, the most effective way to eliminate the use of disposable bags by retail establishments located in the City of Cleveland by January 1, 2022. The working group shall consist of representatives from the City Administration, City Council, Cleveland retailers and Cleveland residents.

Section 3. That, as used in this ordinance, the following words shall have the following meanings:

(a) “Retail establishment” means any supermarket, convenience store, department store, store, shop, service station, or restaurant and any other sales outlets where a customer can buy goods or food.

(b) “Disposable plastic bag” means a bag made from either non-compostable plastic or compostable plastic provided by a retail establishment to a customer at point of sale for the purpose of transporting purchased items, but does not include bags specifically intended for multiple use.

(c) “Non-permitted paper bag” means a paper bag provided by a retail establishment to a customer at a point of sale for the purpose of transporting goods, which does not meet the standard of a “permitted paper bag”.

(d) “Permitted paper bag” means a paper bag provided by a retail establishment to a customer at the point of sale for the purpose of transporting goods, which meets both of the following requirements:

- (1) the bag is manufactured from at least 40% recycled content; and
- (2) the bag is 100% recyclable.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

KJK:rns  
11/25/19

