

1st reading 11-8-18
2nd reading 12-5-18
3rd reading _____
Voted On 12-5-18
Ayes: 5 Nays: 2
PASSED DEFEATED _____

12/12/2018

**ORDINANCE NO. 2018-43
(AS AMENDED)**

**AN ORDINANCE
ENACTING A NEW CHAPTER 741, ENVIRONMENTAL
REGULATIONS FOR BUSINESSES, OF THE ORANGE VILLAGE
CODIFIED ORDINANCES TO REQUIRE BUSINESSES WITHIN
THE VILLAGE TO ADOPT AND COMPLY WITH CERTAIN
POLICIES THAT DECREASE ADVERSE IMPACTS ON THE
ENVIRONMENT.**

WHEREAS, this Council is concerned that the increase in the production and use of plastics is adversely impacting the environment of the Village and the State of Ohio; and

WHEREAS, pursuant to Article XVIII, Section 3 of the Ohio Constitution, Orange Village has the authority to adopt and enforce laws which advance the health, safety and welfare of the Village; and

WHEREAS, this Council desires to enact a regulation which will require businesses within the Village to stop using single-use plastic bags as a means of conveying purchased goods from a business located within the Village.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF ORANGE VILLAGE, CUYAHOGA COUNTY, STATE OF OHIO:

SECTION 1. That a new Chapter 741, “Environmental Regulations for Businesses”, of the Codified Ordinances of Orange Village, be and the same hereby is enacted which shall read and provide, in its entirety, as follows:

**“CHAPTER 741
ENVIRONMENTAL REGULATIONS FOR BUSINESSES**

741.01 PURPOSE.

The purpose of these regulations is to have businesses within the Village engage in more environmentally friendly practices.

741.02 DEFINITIONS.

The following terms shall have the following meanings for the purposes of this chapter:

- (a) “Disposable Plastic Bag” means a bag made from either non-compostable plastic or compostable plastic provided by a business to a customer at the point of sale for the purpose of transporting goods. The term “Disposable Plastic Bag” shall not include:

- (1) Bags used by consumers inside stores to:
 - (A) Package bulk items, such as fruit, vegetables, nuts, grains, or small hardware items;
 - (B) Contain or wrap frozen foods, meat, or fish, whether packaged or not;
 - (C) Contain or wrap flowers, potted plants or other items where dampness may be a problem;
 - (D) Contain unwrapped prepared foods or bakery goods;
 - (E) Contain artworks; and
 - (F) Contain books and periodicals.
 - (2) Bags provided by pharmacists to contain prescription drugs.
 - (3) Newspaper bags, door-hanger bags, laundry-dry cleaning bags, or bags sold in packages containing multiple bags intended for use as garbage, pet waste, or yard waste bags;
 - (4) Reusable Carryout Bags;
 - (5) Non-Permitted Paper Bags and Permitted Paper Bags, as defined herein; or
 - (6) Bags provided to the consumer for the purpose of transporting a partially consumed bottle of vinous liquor (wine) pursuant to Section 4301.62(E) of the Ohio Revised Code.
- (b) “Non-Permitted Paper Bags” means a paper bag provided by a business to a customer at the point of sale for the purpose of transporting goods, which does not meet the standards of a “Permitted Paper Bag.”
- (c) “Permitted Paper Bag” means a paper bag provided by a Retailer 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 40% recycled content; and
 - (2) The bag is 100% recyclable.
- (d) “Retailer” means a retail establishment or business that is a retail operation in the business of selling goods.
- (e) “Reusable Carryout Bag” means a bag that is specifically intended for multiple reuse and is made of cloth, fiber, or other machine washable fabric that is at least 2.25 millimeters thick and capable of carrying a minimum of 18 pounds with at least 75 uses per bag.

741.03 IMPLEMENTATION OF DISPOSABLE PLASTIC BAG BAN.

- (a) Retailers shall offer only either a Reusable Carryout Bag or a Permitted Paper Bag to a customer at the point of sale for the purpose of transporting goods.
- (b) Disposable Plastic Bags shall not be used, retail or wholesale, within the Village limits by any business.

741.04 ENFORCEMENT.

This chapter shall be enforced by the Village’s Police Department.

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(AS AMENDED)**

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741.99 PENALTIES.

Whatever business violates this chapter shall be guilty of an unclassified misdemeanor punishable by a written warning for a first offense, a fine of up to \$100 for a second offense, and a fine of up to \$500 for each subsequent offense. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.”

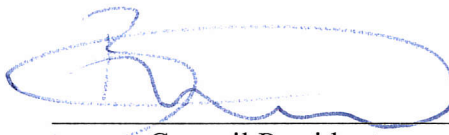
SECTION 2. That any and all ordinances or parts thereof in conflict herewith be, and the same hereby are, repealed to the extent of the conflict.

SECTION 3. That the Mayor shall provide written notice to all existing businesses in the Village that this ordinance has been passed and that its requirements will become effective April 1, 2019. The Mayor shall adopt such policies as are necessary to provide new businesses in the Village notice of the requirements of Chapter 741.

SECTION 4. That actions of this Council concerning and relating to the passage of this legislation were adopted in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in such formal action were in meetings open to the public, in compliance with all legal requirements including Chapter 105 of the Codified Ordinances of Orange Village.

SECTION 5. That this Ordinance shall take effect and be in force from and after the earliest period allowed by law provided, however, that the regulation enacted by Section 741.03 shall become effective April 1, 2019.

PASSED: Dec 5, 2018

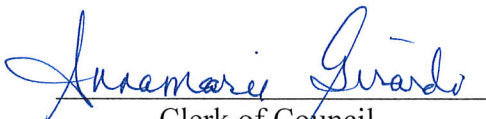


Council President

Submitted to the Mayor for approval on this 5 day of DEC., 2018

Approved by the Mayor this 5th day of DECEMBER, 2018

ATTEST:



Clerk of Council

Mayor