

**RESOLUTION NO. 2020-36
INTRODUCED BY: JOSEPH MARKO**

A RESOLUTION EXEMPTING RETAILERS WITHIN THE CITY OF LYNDHURST, OHIO AND PLACING A MORATORIUM UPON THE ENFORCEMENT OF THE COUNTYWIDE DISPOSABLE BAG BAN ADOPTED BY CUYAHOGA COUNTY COUNCIL AS ORDINANCE O2019-0005, ON MAY 28, 2019 AND A RESOLUTION PROHIBITING THE USE OF REUSABLE BAGS AND REQUIRING THE COLLECTION AND RECYCLING OF DISPOSABLE PLASTIC BAGS AT CERTAIN RETAIL BUSINESS ESTABLISHMENTS WITHIN THE CITY AND DECLARING AN EMERGENCY

WHEREAS, Cuyahoga County Ordinance O2019-0005 was adopted by the Cuyahoga County Council absent input of the member cities whose residents and retailers will be impacted by said Ordinance; and

WHEREAS, residents and retail establishments within the City of Lyndhurst have been, up until now, diligently planning how to comply with said Ordinance, encouraging the use of reusable bags or limiting access to single-use disposable plastic bags among other strategies; and

WHEREAS, the current COVID-19 crisis has presented the residents of Lyndhurst and retail establishments within the City, even those with continued operations, significant unexpected and undue hardships, and

WHEREAS, customer provided, poorly sanitized, reusable shopping bags brought into retail establishments risks the continued community spread of the COVID-19 virus for which many local retailers and many Boards of Health are prohibiting their use; and

WHEREAS, compliance with County Ordinance O2019-0005 on the stated enforcement date of June 1, 2020 will place an additional dangerous health risk and significant burden upon the residents and retail establishments within the County of Cuyahoga generally and within the City of Lyndhurst specifically, and

WHEREAS, it is this Council's specific intention, in the interest of the health, safety and welfare of its residents, retail workers and the general public, to invoke its Home-Rule Authority to place a moratorium, until January 1, 2021, upon enforcement of County Ordinance O2019-0005 within the City, prohibit the use of customer-provided reusable bags within any retail establishment and to require certain retail establishments within the City to collect and recycle single-use disposable bags.

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF LYNDHURST, COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:

SECTION 1. Pursuant to Powers of the Charter of the City of Lyndhurst; and Powers, Rights and Privileges of the Charter of Cuyahoga County, all retail establishments within the City of Lyndhurst are hereby exempted from Cuyahoga County Ordinance No. 02029-0005, which creates a countywide disposable bag ban.

SECTION 2. Pursuant to the provisions of the Charter of the City of Lyndhurst and the Charter of Cuyahoga County, retail establishments within the City may use, until January 1, 2021, disposable plastic bags and non-permitted paper bags notwithstanding Cuyahoga County Ordinance No. 02019-0005.

SECTION 3. As used herein, "retail establishment," "disposable plastic bag," "non-permitted paper bag" and "reusable bag" shall have the same meaning as in Ordinance No. O2019-0005.

SECTION 4. The use of "reusable bags" in any retail establishment in the City shall be prohibited. Retail establishment employees shall not perform bagging of retail products in reusable bags, until further notice.

SECTION 5. No retail establishment of 20,000 square feet or greater shall offer customers disposable plastic bags unless:

- (a) it provides a disposable plastic bag collection bin that is visible, easily accessible to the customer, and clearly marked that the collection bin is available for the purpose of collecting and recycling disposable plastic bags; and
- (b) The retail establishment ensures all disposable plastic bags collected by the retail establishment are collected, transported and recycled, and not deposited within a solid waste disposal facility, except for disposable plastic bags that are not sufficiently free of foreign material to enter the recycling stream.

SECTION 6. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution have been taken at open meetings of this Council; and that deliberations of this Council are of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 7. This Resolution is hereby declared to be an emergency measure necessary for the preservation of the public peace, health, safety and welfare and for the services for the City. Therefore, this Resolution shall take effect and be in force immediately upon its passage and approval by the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise from the after the earliest period allowed by law.

PASSED: April 6, 2020

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on April 16, 2020 and April 23, 2020.

Clerk of Council

First Reading: April 6, 2020

Second Reading: Suspended

Third Reading: Suspended