

ORDINANCE NO. 35-2020

BY: **ROY J. JECH**

AN ORDINANCE EXEMPTING RETAIL ESTABLISHMENTS
IN THE CITY OF PARMA FROM CHAPTER 1304 OF THE
CUYAHOGA COUNTY CODE AND DECLARING AN
EMERGENCY

WHEREAS, Cuyahoga County Ordinance No. O2019-0005, passed by the Cuyahoga County Council on May 28, 2019, enacts Chapter 1304 of the Cuyahoga County Code implementing a Disposable Bag Ban in Cuyahoga County; and,

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

WHEREAS, the Cuyahoga County Council enacted Chapter 1304 of the Cuyahoga County Code without seeking input from or the consent of this Council; and,

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

WHEREAS, Chapter 1304 of the Cuyahoga County Code places undue burden on retail establishments operating in the City of Parma as well as Parma residents and all people who patronize retail establishments in the City of Parma; and,

WHEREAS, Article I, Section 1.02 of the Cuyahoga County Charter provides that in cases of conflict between the exercise of powers by Cuyahoga County granted by its Charter and the exercise of powers by municipalities granted by the Ohio Constitution or general laws, the exercise of powers by the municipalities shall prevail; and,

WHEREAS, this Council specifically intends to exercise its home-rule authority granted under Article XVIII, Section 3 of the Ohio Constitution to exempt retail establishments operating in the City of Parma from the provisions of Chapter 1304 of the Cuyahoga County Code.

NOW THEREFORE, THE COUNCIL OF THE CITY OF PARMA, STATE OF OHIO ORDAINS:

Section 1. For the reasons stated in the preamble of this Ordinance, all retail establishments within the City of Parma are hereby exempt from the provisions of Cuyahoga County's Disposable Bag Ban, Chapter 1304 of the Cuyahoga County Code.

Section 2. All retail establishments within the City of Parma may use disposable plastic bags and non-permitted paper bags notwithstanding Chapter 1304 of the Cuyahoga County Code. Further, retail establishments in Parma may offer disposable plastic bags and non-permitted paper bags to customers at the point of sale for purposes of transporting goods.

Section 3. As used in this Ordinance, the terms "retail establishment," "disposable plastic bag," and "non-permitted paper bag" shall have the same meaning as in Chapter 1304 of the Cuyahoga County Code.

Section 4. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of the Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public health, safety, and welfare of the City of Parma, and for the further reason that it is in the best interest of retail establishments in the City of Parma and their customers to exempt these retail establishments from the County-wide disposable bag ban. Therefore, this Ordinance shall go into immediate effect upon receiving the affirmative vote of two-thirds of all members elected to Council and approval of the Mayor, otherwise at the earliest time allowed by law.

PASSED: _____

PRESIDENT OF COUNCIL

ATTEST: _____

CLERK OF COUNCIL

APPROVED: _____

FILED WITH
THE MAYOR: _____

MAYOR, CITY OF PARMA, OHIO