

By: Troy Markham

**AN ORDINANCE TO ADD CHAPTER 888 TO THE BEXLEY CITY CODE TO RESTRICT SINGLE USE PLASTICS IN THE CITY OF BEXLEY, OHIO.**

**WHEREAS**, numerous studies have shown the negative environmental and health effects of plastics and the chemicals used to produce them; and

**WHEREAS**, numerous studies have documented the prevalence of plastic carry-out bags littering the environment, blocking storm drains, becoming entangled in tree tops, and fouling beaches; and

**WHEREAS**, plastic bags and other plastic products are a substantial source of marine debris, responsible for the deaths of tens of thousands of marine animals each year; and

**WHEREAS**, studies have shown the presence of micro plastics in terrestrial and marine life systems throughout the entire planet, resulting in a wholesale contamination of the food supply due to the proliferation of plastic litter and plastic breakdown products; and

**WHEREAS**, plastic bags cause operational problems at recycling processing facilities, landfills, and transfer stations, and contribute to litter throughout the Columbus region; and

**WHEREAS**, numerous states and cities throughout the United States have enacted single-use plastic bag and single use plastic bans, resulting in dramatic decreases in plastics waste; in California alone over 66 million pounds of plastics have been eliminated from the waste stream; and

**WHEREAS**, major countries throughout the world have banned plastic bags and/or single use plastics, including China; Germany; Great Britain; Denmark; Ireland; over 15 African countries; and India, which recently announced a ban of all single-use plastics by 2022; and

**WHEREAS**, the City of Bexley, Ohio has the duty to protect the natural environment, the economy and the health of its residents and visitors of the city; and

**WHEREAS**, a core component of the adopted Mission of the City of Bexley is to “Protect, preserve, and enhance Bexley’s natural and developed environment”;

**NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF BEXLEY, OHIO:**

**Section 1.**

That Chapter 888 shall be added to the Codified Ordinances of the City of Bexley as follows:

## CHAPTER 888 SINGLE-USE PLASTICS RESTRICTIONS

### 888.01 DEFINITIONS.

As used in this chapter, except where the content clearly indicates a different meaning:

- (a) "Customer" means any Person obtaining goods from a Store.
- (b) "Mobile Vendor" means a retail goods operation or retail food establishment that is operated from a truck, trailer, pedi-food cart, or pushcart, and that can or does routinely change location.
- (c) "Recycled Content Paper Bag" means a paper bag provided by a Store to a Customer at the check stand, cash register, point of sale, or other location for the purpose of transporting food or merchandise out of the Store and that contains no old growth fiber and a minimum of forty percent (40%) postconsumer recycled material; is one hundred percent (100%) recyclable and compostable, consistent with the timeline and specifications of the American Society of Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.
- (d) "Reusable Bag" means a bag with handles that is specifically designed and manufactured for multiple reuse and meets all of the following requirements: 1) has a minimum lifetime of 125 uses, which for purposes of this subsection, means the capability of carrying a minimum of 22 pounds 125 times over a distance of at least 175 feet; 2) has a minimum volume of 15 liters; 3) is machine washable or is made from a material that can be cleaned or disinfected; 4) does not contain lead, cadmium or any other heavy metal in toxic amounts, as defined by applicable state and federal standards and regulations for packaging or reusable bags; 5) has printed on the bag, or on a tag that is permanently affixed to the bag, the name of the manufacturer, the location (country) where the bag was manufactured, a statement that the bag does not contain lead, cadmium, or any other heavy metal in toxic amounts, and the percentage of postconsumer recycled material used, if any; and 6) if made of plastic, is a minimum of at least 2.25 mils thick.
- (e) "Public Eating Establishment" means a restaurant, take-out food establishment or other business **(including, but not limited to, food sales from vehicles or mobile vendor open to the public)** that receives 90% or more of its revenue from the sale of **prepared and ready-to-consume** foods and/or drinks **to the public**
- (f) "Single-Use Carryout Bag" means a bag other than a Reusable Bag provided at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store. Single-Use Carryout Bags do not include Produce/Product Bags.
- (g) "Store" means **any commercial establishment operating from a permanent enclosed structure that sells perishable or nonperishable goods including, but not limited to, clothing, food and personal items directly to a customer.**
- (h) "Compostable" products are defined as a product that has been certified as 100% compostable consistent with the timeline and specifications of the American Society of

Testing and Materials (ASTM) Standard D6400; and has printed in a highly visible manner on the outside of the bag the words "Recyclable," the name and location of the manufacturer, and the percentage of post-consumer recycled content.

#### **888.02 CARRYOUT BAG RESTRICTIONS**

- (a) No Store shall provide a Single-Use Carryout Bag or Reusable Bag to a Customer at the check stand, cash register, point of sale or other location for the purpose of transporting food or merchandise out of the Store after January 1, 2019 except as provided in this Section.
- (b) A Store may make available to a Customer a Recycled Content Paper Bag or a Reusable Bag at no charge until xxxx xx, 2019. A Store may make available for sale to a Customer a Recycled Content Paper Bag or a Reusable Bag for a minimum price of ten cents (\$0.10), effective on and after xxxx xx, 2019.
- (c) A Store that is a Public Eating Establishment may make available to a Customer a Recycled Content Paper Bag at no charge, or a Reusable Bag for a minimum price of ten cents (\$0.10).
- (d) No Store may make available for sale a Recycled Content Paper Bag or Reusable Bag unless the amount of the sale of the Recycled Content Paper Bag and Reusable Bag is separately itemized on the sales receipt.
- (e) A Store may provide a Reusable Bag at no charge if it is distributed as part of an infrequent and limited time promotion. An infrequent and limited time promotion shall not exceed a total of 90 days in any consecutive 12-month period.
- (f) A Store or establishment is not responsible for the materials used by a party that may be renting a facility they own or operate.

#### **888.03 PERMITTED BAGS**

- (a) Nothing in this Ordinance prohibits Customers from using bags of any type that they bring to the Store themselves or from carrying away goods that are not placed in a bag.
- (b) Nothing in this Ordinance prohibits or in any way restricts any Store from providing a compostable Single-Use Carryout or Reusable Bags that meets the ASTM D6400 standard.

#### **882.04 OTHER SINGLE USE PLASTICS RESTRICTIONS**

- (a) The City of Bexley shall prohibit the use, provision, and distribution of plastic beverage straws, plastic stirrers, or plastic cutlery at all City facilities and City-sponsored events on or after xxxx xx, 2019.
- (b) No Store or Mobile Vendor shall use, provide, distribute, or sell plastic beverage straws, plastic stirrers, or plastic cutlery after xxxx xx, 2020, with the exception of plastic straws, which shall not be distributed freely, but may be provided to those with special needs upon request.
- (c) No Educational Institution, or vendor serving on the premises of an Educational Institution, shall use, provide, distribute, or sell plastic beverage straws, plastic stirrers,

or plastic cutlery after xxxx xx, 2021, with the exception of plastic straws, which shall not be distributed freely, but may be provided to those with special needs upon request.

(d) No Store or Mobile Vendor shall provide or distribute non-compostable or non-recyclable food containers or food container lids as part of a food purchase after xxxx xx, 2021.

**888.99 PENALTY**

Whoever violates or fails to comply with any of the provisions of this chapter is guilty of a minor misdemeanor and shall be fined not more than one hundred dollars (\$100.00). A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues.

**Section 2.**

That this Ordinance shall go into effect and be in force from and after the earliest period allowed by law.

Passed: \_\_\_\_\_, 2018

\_\_\_\_\_  
Lori Ann Feibel, President of Council

Attest: \_\_\_\_\_  
William Harvey, Clerk of Council

Approved: \_\_\_\_\_, 2018

\_\_\_\_\_  
Ben Kessler, Mayor

First Reading:

