

ORDINANCE

AN ORDINANCE AMENDING CHAPTER 20 (“PUBLIC HEALTH”), ARTICLE 14 (“RETAIL SINGLE-USE BAG”) OF THE OAK PARK VILLAGE CODE TO ADD A NEW SECTION 20-14-10 (“EXEMPTION”) TO PROVIDE FOR AN EXEMPTION FROM THE PAYMENT OF THE VILLAGE’S SINGLE-USE PLASTIC BAG FEE FOR PERSONS PARTICIPATING IN A GOVERNMENTAL FOOD ASSISTANCE PROGRAM

WHEREAS, the Village of Oak Park (“Village”) as a home rule unit of local government as provided by Article VII, Section 6 of the Illinois Constitution of 1970 has the authority to exercise any power and perform any function pertaining to its government and affairs except as limited by Article VII, Section 6 of the Illinois Constitution of 1970; and

WHEREAS, as a home rule unit, the Village of Oak Park’s powers shall be construed liberally as held by the Illinois Supreme Court in the case of *Scadron v. City of Des Plaines*, 153 Ill.2d 164 (1992); and

WHEREAS, the Village Board has determined to adopt an exemption to the fee charged for the use of carryout single-use bags set forth in Article 14 (“Retail Single-Use Bag”), of Chapter 20 (“Public Health”) of the Oak Park Village Code for persons who are participants in the Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC) Program or a similar governmental food assistance program.

NOW THEREFORE, BE IT ORDAINED by the President and Board of Trustees of the Village of Oak Park, Cook County, Illinois, in the exercise of their home rule powers, as follows:

Section 1. Recitals Incorporated. The above recitals are incorporated herein as though fully set forth.

Section 2. Village Code Amended. Chapter 20 (“Public Health”), Article 14 (“Retail Plastic Bag Use”) of the Oak Park Village Code is amended to add a new Section 20-14-10 (“Exemption”) to read as follows:

20-14-10: Exemption:

The fee imposed pursuant to section 20-14-2 above is not applicable to a carryout single-use bag provided to a customer who is a participant in the Supplemental Nutrition Assistance Program (SNAP), Women, Infants, and Children (WIC) Program or a similar governmental food assistance program and provides evidence of such participation to the retail establishment.

Section 3. Severability and Repeal of Inconsistent Ordinances. If any section, paragraph, clause or provision of this Ordinance shall be held invalid, the invalidity thereof shall not affect any of the other provisions of this Ordinance. All ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 4. Effective Date. This Ordinance shall be in full force and effect after its approval, passage and publication as provided by law.

ADOPTED this 31st day of July, 2023, pursuant to a roll call vote at follows:

Voting	Aye	Nay	Abstain	Absent
President Scaman				
Trustee Buchanan				
Trustee Enyia				
Trustee Parakkat				
Trustee Robinson				
Trustee Straw				
Trustee Wesley				

APPROVED this 31st day of July, 2023.

Vicki Scaman, Village President

ATTEST

Christina M. Waters, Village Clerk

Published in pamphlet form this 31st day of July, 2023.

Christina M. Waters, Village Clerk