

ANCHORAGE, ALASKA
AO No. 2018-110, As Amended

1 AN ORDINANCE OF THE ANCHORAGE MUNICIPAL ASSEMBLY AMENDING
2 ANCHORAGE MUNICIPAL CODE CHAPTER 15.95, *DISPOSABLE PLASTIC*
3 *SHOPPING BAGS*, TO DELAY THE DATE THE PROHIBITION ON
4 DISTRIBUTION GOES INTO EFFECT, TO ADD AND CLARIFY EXCEPTIONS,
5 TO CLARIFY TERMINOLOGY AND INCLUDE CONFORMING AMENDMENTS,
6 AND AMENDING THE CORRESPONDING LANGUAGE IN AMC SECTION
7 14.60.030 ACCORDINGLY.
8

9
10 **WHEREAS**, on August 28, 2018 the Anchorage Assembly passed AO 2018-63(S),
11 as amended, to prohibit distributing disposable plastic shopping bags to purchasers
12 and requiring a retail seller to charge a fee for providing alternative bags that are
13 not reusable;

14
15 **WHEREAS**, members of the public and retail store owners and operators have
16 expressed concern with plastic bag inventories on hand that were commonly
17 acquired in bulk and expected to supply a store for months or years;

18
19 **WHEREAS**, while some chain store retailers could send their plastic bag inventory
20 to other locations in jurisdictions without a prohibition, many retail stores would not
21 have that option and could dispose of their customized and unusable bags in the
22 landfill in bulk after the ban becomes effective March 1, 2019;

23
24 **WHEREAS**, the intent and spirit of the plastic shopping bag ordinance is for
25 environmental protection including reduction of their volume in the Anchorage
26 Regional Landfill and blowing in the wind after disposal; and

27
28 **WHEREAS**, the Anchorage Assembly intends to provide a reasonably sufficient
29 time for local retail stores to significantly diminish or deplete their plastic shopping
30 bag inventories before the prohibition goes into effect, reducing the economic impact
31 on private sector retailers; and

32
33 **WHEREAS**, clarification to language and additional exceptions are desired and
34 beneficial to the public and the purposes of the ordinance; now, therefore,

35
36 **THE ANCHORAGE ASSEMBLY ORDAINS:**

37
38 **Section 1.** Anchorage Municipal Code chapter 15.95 is hereby amended to read
39 as follows (*the remainder of the section is not affected and therefore not set out*):

40 **Chapter 15.95 [DISPOSABLE] PLASTIC SHOPPING BAGS.**
41
42

15.95.010 Definitions.

Alternative bag means any bag that is designed to carry customer purchases from the retail seller premises that is neither a [DISPOSABLE] plastic shopping bag nor a reusable bag.

[DISPOSABLE P] *Plastic shopping bag* means a bag made exclusively or primarily of soft plastic (including plastics marked or labeled as “biodegradable” or “compostable”) that is designed to carry customer purchases from the retail seller’s premises;

* * * * *

(AO No. 2018-63(S), § 1, 9-11-18)

15.95.020 Prohibition on providing or distributing [DISPOSABLE] plastic shopping bags; fees for alternative bags; exceptions.

A. On or after September 15 [MARCH 1], 2019, except as provided in this section a retail seller shall not provide a [DISPOSABLE] plastic shopping bag to a purchaser to carry away [OR PROTECT] goods purchased from, or serviced by, the retail seller.

B. On or after September 15 [MARCH 1], 2019, except as provided in this section, a retail seller shall provide an alternative bag to a purchaser to carry away goods purchased from, or serviced by, the retail seller only for a minimum fee of \$0.10 per bag with a maximum charge of \$0.50 per transaction. A retail seller

* * * * *

6. The fees in this section do not apply to any transaction where the purchase is paid directly by the United States or its instrumentalities insofar as they are immune from local regulation[100% PAID FOR BY A FEDERALLY FUNDED PROGRAM].

D. *Exceptions.* The prohibition established in this section does not apply to a plastic bag that is

1. Used by customers inside stores to contain a product that does not have other packaging, such as [INCLUDING] bulk grains, fruit, nuts, vegetables, meat, candy, bakery goods, prepared foods, other food products or small hardware items;

* * * * *

8. Sold in packages containing multiple bags intended for consumer use off the retail seller’s premises, such as for the collection and disposal of garbage, pet waste, or yard waste; [OR]

9. Provided by a retail marijuana store in accordance with the requirements of section 10.80.345; or

10. Without handles and provided to protect goods not individually wrapped in protective covering such as dry cleaning, artwork, souvenirs, cards, [COMIC BOOKS,]paper products or textiles.

(AO No. 2018-63(S), § 1, 9-11-18)

*** **

Section 2. Anchorage Municipal Code section 14.60.030 is hereby amended to read as follows (*the remainder of the section is not affected and therefore not set out*):

14.60.030 - Fine schedule.

The fine schedule under this chapter is as follows:

| Code Section | Offense | Penalty / fine |
|--------------|---|--|
| *** | *** | *** |
| 15.95.020A. | Provide or distribute [DISPOSABLE] plastic shopping bag | First offense: warning. Second offense: \$250/violation Third and subsequent offenses: \$500/violation |
| *** | *** | *** |

(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No. 95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07;

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36
37

AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15 ; AO No. 2015-54, § 1, 5-26-15 ; AO No. 2015-65, § 4, 6-9-15 ; AO No. 2015-111(S-1), § 2, 1-1-16 ; AO No. 2016-16(S), § 4, 2-9-16 ; AO No. 2016-76(S), § 7, 7-12-16 ; AO No. 2016-81(S), § 4, 8-25-16 ; AO No. 2016-83(S), § 9, 7-26-16 ; AO No. 2016-82 , § 3, 8-9-16; AO No. 2016-116 , § 2, 10-18-16; AO No. 2016-115(S) , § 2, 11-15-16; AO No. 2016-124(S) , § 11, 12-20-16; AO No. 2017-26 , § 2, 5-1-17; AO No. 2017-29(S) , § 61, 6-1-17; AO No. 2017-30 , § 3, 3-21-17; AO No. 2017-31(S) , § 5, 5-26-17; AO No. 2017-119(S) , § 4, 11-9-17; AO No. 2017-101 , § 2, 2-5-18; AO No. 2017-161(S) , § 3, 2-27-18)

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 18th day of December, 2018.



Chair

ATTEST:



Municipal Clerk