

A written motion for reconsideration of AO 2018-63(S) was moved by Assembly Member Weddleton and seconded by Assembly Member LaFrance on August 28, 2018.

Municipal Clerk's Office
Amended and Approved
Date: August 28, 2018

Submitted by: Assembly Member Traini,
Assembly Member Constant, and
Assembly Member LaFrance.
Prepared by: Assembly Counsel
For reading: July 17, 2018

ANCHORAGE, ALASKA
AO No. 2018-63(S), As Amended

AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING THE ANCHORAGE MUNICIPAL CODE TO ADD A NEW CHAPTER TO PROHIBIT CERTAIN RETAIL SELLERS FROM DISTRIBUTING DISPOSABLE PLASTIC SHOPPING BAGS AND PROVIDING FOR CIVIL FINES.

WHEREAS, the use of single-use disposable plastic shopping bags in the Municipality of Anchorage burdens the environment, endangers wildlife, and has been shown to be harmful to bodies of water and problematic for solid waste management; and

WHEREAS, plastic bags are toxic, take hundreds of years to decompose or degrade, easily escape from consumers, trash containers, garbage trucks, and landfills, and contaminate Anchorage’s natural environment and scenery where land mammals, fish, seabirds, and marine animals eat or become entangled in them;

WHEREAS, switching from free disposable plastic shopping bags to reusable shopping bags is a valid alternative that effectively reduces plastic bag usage and promotes environmental stewardship and sustainability; and

WHEREAS, to decrease the use of disposable plastic shopping bags in Anchorage, it is necessary and reasonable to restrict and mitigate such use; and

WHEREAS, it is in the best interest of the health, safety and welfare of all residents and visitors to restrict the use of single-use disposable plastic shopping bags **and to prevent a shift by retailers to providing free recycled paper or reusable plastic bags**; now therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

Section 1. Title 15 of the Anchorage Municipal Code, *Environmental Protection*, is hereby amended with a new chapter 15.95 to read as follows:

Chapter 15.95 DISPOSABLE PLASTIC SHOPPING BAGS.

Sections:

15.95.010 Definitions.

1 15.95.020 Prohibition on providing or distributing disposable plastic shopping
2 bags; fees for alternative bags; exceptions.

3
4 15.95.030 [Alternative bags permitted, fee required.

5
6 15.95.040 Penalties and remedies.

7
8 15.95.010 Definitions.

9
10 Alternative bag means any bag that is designed to carry customer
11 purchases from the retail seller premises that is neither a disposable
12 plastic shopping bag nor a reusable bag.

13
14 *Disposable plastic shopping bag* means a bag made exclusively or
15 primarily~~[partially]~~ of soft plastic (including plastics marked or labeled as
16 “biodegradable” or “compostable”)~~], [and] that is less than [(blank space)~~
17 ~~][2.25][4] mils thick, and]~~ that is designed to carry customer purchases from
18 the retail seller’s premises;

19
20 *Retail seller* means a ~~[retail or]~~ commercial business ~~[facility]~~ located within
21 the municipality, including but not limited to markets, grocery stores,
22 convenience stores, pharmacies, drug stores, retail stores, restaurants, or
23 similar establishments that

24
25 a. _____ is located in a permanent building; and

26
27 b.] sells goods or prepared food ~~[to]~~ directly to final consumers,
28 such as household supplies, perishable items, or food
29 merchandise, including meat, produce, dairy products, or
30 snack foods.

31
32 *Reusable bag* means a bag that

33
34 a. is designed and manufactured to withstand repeated
35 use over time;

36
37 b. is made from cloth, other machine washable fabric, or is
38 made from other woven material that can be cleaned
39 and disinfected regularly;~~];~~ and

40
41 c. _____ has handles~~];~~

42
43 c. _____ if made from plastic, must be at least 2.25[4] mils
44 thick; and

45
46 d. _____ has a minimum lifetime of 75 uses].

47
48 [Recyclable paper bag means a paper bag that is fully recyclable,
49 contains a minimum of 40% post-consumer recycled content, and
50 contains no old growth fiber. The bag should display the words
51 “reusable,” “recyclable,” or other marking in compliance with the

Federal Trade Commission Part 260 Guides for the Use of Environmental Marketing Claims, or as such regulation may be amended or renumbered (16 C.F.R. § 260.1, et seq.).

15.95.020 Prohibition on providing or distributing disposable plastic shopping bags; fees for alternative bags; exceptions.

A. On or after March~~January~~ 1, 2019, except as provided in this section al:

1. ~~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~~;~~ and

2. ~~No person shall distribute disposable plastic shopping bags at any municipal facility or any event held on municipal property.~~

B. On or after ~~March~~ January 1, 2019, except as provided in this section, a retail seller shall provide an alternative bag to a purchaser to carry away ~~or protect~~ 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

1. shall not absorb or discount the required fees established by this subsection,

2. shall state the fees as a separate item on the receipt provided to the purchaser, and

3. may retain the full amount of the fee or give any portion of it to a nonprofit.

4. The fees in this section shall be waived for any transaction in which purchases are made with state or federal supplemental nutrition assistance programs, commonly known as food stamps, food coupons or other type of allotment issued under 7 U.S.C. 2011-2036, or with food instruments, food vouchers, or other type of certificate issued under 42 U.S.C. 1786 (Special Supplemental Food Program for Women, Infants, and Children), or other similar programs.

5. A retail seller or other organization is not required to charge a fee when they distribute alternative bags at temporary events where the bags are provided for a general use without a clearly associated sale.

1 **C. A retail seller may provide a reusable bag without limitation or**
 2 **fee.**

3
 4 **D. Exceptions.** The prohibition established in this section does not apply
 5 to a plastic bag that is

- 6
 7 1. Used by customers inside stores to contain a product that does
 8 not have other packaging, including bulk grains, fruit, nuts,
 9 vegetables, meat, candy, bakery goods, prepared foods, other
 10 food products or small hardware items;
 11
 12 2. Used to contain dampness or leaks from items such as frozen
 13 foods, meat or fish;
 14
 15 3. Used only to contain ice;
 16
 17 4. Used only to contain or wrap flowers or potted plants;
 18
 19 5. Provided by a pharmacist for the sole purpose of containing
 20 prescription drugs;
 21
 22 6. Used only to package an unconsumed portion of a bottle of
 23 wine in compliance with AS 04.16.120;
 24
 25 7. Used only to contain a newspaper, laundry, or dry cleaning;
 26
 27 8. Sold in packages containing multiple bags intended for
 28 consumer use off the **retail** seller's premises, ~~[for]~~ such
 29 ~~[purposes]~~ as **for** the collection and disposal of garbage, pet
 30 waste, or yard waste; ~~or~~ ~~or~~

31
 32 **9. Provided by a retail marijuana store in accordance with the**
 33 **requirements of section 10.80.345.;** ~~or~~

34
 35 ~~10. A reusable bag.~~

36
 37 ~~15.95.030 Alternative bags permitted, fee required.~~

38
 39 ~~**A. Purpose. The purpose of allowing alternative bags for a required**~~
 40 ~~**fee is to discourage the single use of recycled paper or thick**~~
 41 ~~**plastic reusable bags at retail establishments, and to prohibit**~~
 42 ~~**retailers from providing them to purchasers at no charge.**~~

43
 44 ~~**B. Retail sellers shall not absorb or discount the required fees**~~
 45 ~~**established by this section, and shall state the fees as a separate**~~
 46 ~~**item on the receipt provided to the purchaser. The retail seller may**~~
 47 ~~**retain the full amount of the fees.**~~

48
 49 ~~**C. Retail sellers may offer or provide a recycled paper bag only for a**~~
 50 ~~**minimum fee of \$0.10 per bag.**~~
 51

D. ~~Retail sellers may offer or provide a reusable bag made partly or entirely from plastic only for a minimum fee of \$0.10 per bag.~~

15.95.03[4]0 Penalties and remedies.

Penalties and remedies for violation of this chapter are included in the penalty and remedies section in chapter 15.05 and the schedule of fines in section 14.60.030.

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 * * *
<u>15.95.020A.</u>	<u>Provide or distribute disposable plastic shopping bag</u>	<u>First offense: warning.</u> <u>Second offense: \$250/violation</u> <u>Third and subsequent offenses: \$500/violation</u>
<u>15.95.02[3]0B.</u> <u>[or C.]</u>	<u>Failure to charge or itemize fee for alternative[recycled paper or reusable] bag</u>	<u>First offense: warning.</u> <u>Second offense: \$250/violation</u> <u>Third and subsequent offenses: \$500/violation</u>
* * *	* * *	* * *

(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; 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)

Section 3. The Assembly hereby requests the Administration to provide for an outreach and education campaign to all affected retail sellers and their customers informing them of the prohibition on distributing disposable plastic shopping bags. Such a campaign may include providing signs for point of sale stations and storefronts, media buys and placements, and public service announcements.

Section 4. This ordinance shall be effective immediately upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this 28th day of August, 2018.

Chair

ATTEST:

Municipal Clerk