

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)**

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.

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

15.95.030 **Alternative bags permitted, fee required.**

15.95.040 Penalties and remedies.

15.95.010 Definitions.

1
2 *Disposable plastic shopping bag* means a bag made exclusively or partially
3 of plastic (including plastics marked or labeled as “biodegradable” or
4 “compostable”) and that is less than **2.25 [4]** mils thick, that is designed to carry
5 customer purchases from the retail seller’s premises;
6

7 *Retail seller* means a retail or commercial business facility located within the
8 municipality, including but not limited to markets, grocery stores, convenience
9 stores, pharmacies, drug stores, retail stores, restaurants, or similar
10 establishment that

- 11
- 12 a. is located in a permanent building; and
 - 13
 - 14 b. sells goods or prepared food to directly to consumers, such as
15 household supplies, perishable items, or food merchandise,
16 including meat, produce, dairy products, or snack foods.
17

18 *Reusable bag* means a bag that

- 19
- 20 a. is designed and manufactured to withstand repeated
21 use over time;
22
 - 23 b. is made from cloth, other machine washable fabric, or is
24 made from material that can be cleaned and disinfected
25 regularly, and has handles;
26
 - 27 c. if made from plastic, must be at least **2.25 [4]** mils thick;
28 and
29
 - 30 d. has a minimum lifetime of 75 uses.
31

32 **Recyclable paper bag means a paper bag that is fully recyclable,**
33 **contains a minimum of 40% post-consumer recycled content, and**
34 **contains no old growth fiber. The bag should display the words**
35 **“reusable,” “recyclable,” or other marking in compliance with the**
36 **Federal Trade Commission Part 260 Guides for the Use of**
37 **Environmental Marketing Claims, or as such regulation may be**
38 **amended or renumbered (16 C.F.R. § 260.1, et seq.).**
39

40 **15.95.020 Prohibition on providing or distributing disposable**
41 **plastic shopping bags; exceptions.**
42

- 43 A. On or after January 1, 2019, except as provided in this section:
44
- 45 1. A retail seller shall not provide a disposable plastic shopping
46 bag to a purchaser to carry away or protect goods purchased
47 from, or serviced by, the retail seller; and
48
 - 49 2. No person shall distribute disposable plastic shopping bags at
50 any municipal facility or any event held on municipal property.
51

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

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

31 **15.95.030 Alternative bags permitted, fee required.**

32

33 **A. Purpose. The purpose of allowing alternative bags for a required**
34 **fee is to discourage the single use of recycled paper or thick**
35 **plastic reusable bags at retail establishments, and to prohibit**
36 **retailers from providing them to purchasers at no charge.**

37

38 **B. Retail sellers shall not absorb or discount the required fees**
39 **established by this section, and shall state the fees as a separate**
40 **item on the receipt provided to the purchaser. The retail seller may**
41 **retain the full amount of the fees.**

42

43 **C. Retail sellers may offer or provide a recycled paper bag only for a**
44 **minimum fee of \$0.10 per bag.**

45

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

48

49 **15.95.040 Penalties and remedies.**

50

51 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:</u> <u>warning.</u> <u>Second offense:</u> <u>\$250/violation</u> <u>Third and subsequent offenses:</u> <u>\$500/violation</u>
<u>15.95.030B. or C.</u>	<u>Failure to charge or itemize fee for recycled paper or reusable bag</u>	<u>First offense:</u> <u>warning.</u> <u>Second offense:</u> <u>\$250/violation</u> <u>Third and subsequent offenses:</u> <u>\$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 _____ day of _____, 2018.

Chair

ATTEST:

Municipal Clerk



MUNICIPALITY OF ANCHORAGE

Assembly Memorandum

No. AM 480-2018(A)

Meeting Date: July 17, 2018

1 **From: ASSEMBLY MEMBER TRAINI**

2
3 **Subject: AO 2018-63(S): AN ORDINANCE OF THE ANCHORAGE ASSEMBLY**
4 **AMENDING THE ANCHORAGE MUNICIPAL CODE TO ADD A NEW**
5 **CHAPTER TO PROHIBIT CERTAIN RETAIL SELLERS FROM**
6 **DISTRIBUTING DISPOSABLE PLASTIC SHOPPING BAGS AND**
7 **PROVIDING FOR CIVIL FINES.**
8

9 Studies of the experience in other jurisdictions demonstrate that a ban on single-use
10 plastic bags alone does not go far enough to reduce the environmental costs. Retailers
11 are able to offer their customers, free of charge, the alternatives of recycled paper bags
12 or heavier reusable plastic bags that are exempted from the ban. This S-version of the
13 ordinance adds an additional section that will require covered retail sellers to charge
14 ten-cent fee, at a minimum, for each recycled paper bag or reusable plastic bag
15 provided to a customer. It also lowers the thickness of the bag to 2.25 mils, to be
16 consistent with the national standard for bag durability that generally differentiates
17 between a single-use and multiple-use bag. Reusable cloth, canvas or organic
18 material-based bags would not require any fee, but it is anticipated retailers would
19 typically charge for them given their production costs.
20

21 The advent of disposable plastic shopping bag bans that began in 2007 generated a
22 "first generation" type of ordinance which is similar to the original AO, and a hybrid
23 "second generation" model ordinance that is a combination of ban and required fee for
24 alternatives. These second generation type plastic bag ordinances are more
25 successful at reducing the carbon footprint of a community from petroleum-based
26 products consumption by having more effective results at changing consumer
27 behavior: more customers bring their own reusable bags to the store to avoid the fees
28 for alternative bags.
29

30 The disposable plastic bag ban ordinances adopted by other local governments in
31 Alaska have uniformly been of the first generation type. Perhaps the problem of plastic
32 bag litter is the primary issue of concern.
33

34 I offer this S-version to provide my colleagues a choice for which approach is more
35 appropriate for Anchorage.
36

37 Prepared by: Assembly Counsel
38 Respectfully submitted: Dick Traini, Assembly Member
39 District 4, Midtown