

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**

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

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

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

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

18  
19 **WHEREAS**, it is in the best interest of the health, safety and welfare of all residents  
20 and visitors to restrict the use of single-use disposable plastic shopping bags; now,  
21 therefore,

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23 **THE ANCHORAGE ASSEMBLY ORDAINS:**

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

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28 **Chapter 15.95 DISPOSABLE PLASTIC SHOPPING BAGS.**

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30 **Sections:**

31 15.95.010 Definitions.

32 15.95.020 Prohibition on providing or distributing disposable plastic shopping  
33 bags; exceptions.

34 15.95.030 Penalties and remedies.

35  
36 **15.95.010 Definitions.**

37  
38 *Disposable plastic shopping bag* means a bag made exclusively or partially  
39 of plastic (including plastics marked or labeled as “biodegradable” or  
40 “compostable”) and that is less than 4 mils thick, that is designed to carry  
41 customer purchases from the retail seller’s premises;  
42

1            *Retail seller* means a retail or commercial business facility located within the  
2            municipality, including but not limited to markets, grocery stores, convenience  
3            stores, pharmacies, drug stores, retail stores, restaurants, or similar  
4            establishment that

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- 6            a.        Is located in a permanent building; and
- 7
- 8            b.        Sells goods or prepared food to directly to consumers, such as  
9            household supplies, perishable items, or food merchandise,  
10           including meat, produce, dairy products, or snack foods.

11            *Reusable bag* means a bag that

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- 14            a.        Is designed and manufactured to withstand repeated  
15            use over time;
- 16
- 17            b.        Is made from cloth, other machine washable fabric, or is  
18            made from material that can be cleaned and disinfected  
19            regularly, and has handles;
- 20
- 21            c.        If made from plastic, must be at least 4 mils thick; and
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- 23            d.        Has a minimum lifetime of 75 uses.

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25            **15.95.020    Prohibition on providing or distributing disposable**  
26            **plastic shopping bags; exceptions.**

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- 28            A.        On or after January 1, 2019, except as provided in this section:
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- 30            1.        A retail seller shall not provide a disposable plastic shopping  
31            bag to a purchaser to carry away or protect goods purchased  
32            from, or serviced by, the retail seller; and
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- 34            2.        No person shall distribute disposable plastic shopping bags at  
35            any municipal facility or any event held on municipal property.
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- 37            B.        *Exceptions.* The prohibition established in this section does not apply  
38            to a plastic bag that is
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- 40            1.        Used by customers inside stores to contain a product that does  
41            not have other packaging, including bulk grains, fruit, nuts,  
42            vegetables, meat, candy, bakery goods, prepared foods, other  
43            food products or small hardware items;
- 44
- 45            2.        Used to contain dampness or leaks from items such as frozen  
46            foods, meat or fish;
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- 48            3.        Used only to contain ice;
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- 50            4.        Used only to contain or wrap flowers or potted plants;
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- 5. Provided by a pharmacist for the sole purpose of containing prescription drugs;
- 6. Used only to package an unconsumed portion of a bottle of wine in compliance with AS 04.16.120;
- 7. Used only to contain a newspaper, laundry, or dry cleaning;
- 8. Sold in packages containing multiple bags intended for consumer use off the seller’s premises, for such purposes as the collection and disposal of garbage, pet waste, or yard waste; or
- 9. A reusable bag.

**15.95.030 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>
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(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

1 No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-  
 2 4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1,  
 3 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO  
 4 No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-  
 5 1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-  
 6 1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO  
 7 No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No.  
 8 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-  
 9 54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07;  
 10 AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-  
 11 84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-  
 12 09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO  
 13 No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39,  
 14 § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-  
 15 11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO  
 16 No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12;  
 17 AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No.  
 18 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-  
 19 85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3,  
 20 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-  
 21 15 ; AO No. 2015-54, § 1, 5-26-15 ; AO No. 2015-65, § 4, 6-9-15 ; AO No.  
 22 2015-111(S-1), § 2, 1-1-16 ; AO No. 2016-16(S), § 4, 2-9-16 ; AO No. 2016-  
 23 76(S), § 7, 7-12-16 ; AO No. 2016-81(S), § 4, 8-25-16 ; AO No. 2016-83(S),  
 24 § 9, 7-26-16 ; AO No. 2016-82 , § 3, 8-9-16; AO No. 2016-116 , § 2, 10-18-  
 25 16; AO No. 2016-115(S) , § 2, 11-15-16; AO No. 2016-124(S) , § 11, 12-20-  
 26 16; AO No. 2017-26 , § 2, 5-1-17; AO No. 2017-29(S) , § 61, 6-1-17; AO No.  
 27 2017-30 , § 3, 3-21-17; AO No. 2017-31(S) , § 5, 5-26-17; AO No. 2017-  
 28 119(S) , § 4, 11-9-17; AO No. 2017-101 , § 2, 2-5-18)

29  
 30 **Section 3.** The Assembly hereby requests the Administration to provide for an  
 31 outreach and education campaign to all affected retail sellers and their customers  
 32 informing them of the prohibition on distributing disposable plastic shopping bags.  
 33 Such a campaign may include providing signs for point of sale stations and  
 34 storefronts, media buys and placements, and public service announcements.

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

38  
 39 PASSED AND APPROVED by the Anchorage Assembly this \_\_\_\_\_ day  
 40 of \_\_\_\_\_, 2018.

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 44 \_\_\_\_\_  
 45 Chair

46 ATTEST:

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 48 \_\_\_\_\_  
 49 Municipal Clerk



# MUNICIPALITY OF ANCHORAGE

## Assembly Memorandum

No. AM 480-2018

Meeting Date: July 17, 2018

1 **From:** ASSEMBLY MEMBER TRAINI

2  
3 **Subject:** AN ORDINANCE OF THE ANCHORAGE ASSEMBLY AMENDING  
4 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 In recent years, there has been a growing movement by local governments to  
10 address the growing problem of disposable plastic shopping bags littering the  
11 environment, harming the environment, wildlife, and the economy. According to  
12 Plasticbaglaws.org, as of March 2018 at least 311 local bag ordinances have been  
13 adopted in 24 states in the U.S. and Washington D.C.  
14

15 Alaska is at the forefront of this movement. Representative Andy Josephson  
16 sponsored HB264 in the recently concluded legislative session to impose a ten-  
17 cent tax on each plastic shopping bag given from a retailer to a purchaser. After  
18 vetting by two House committees, a third version of the bill emerged which  
19 changed into an almost complete ban on disposable plastic shopping bags instead  
20 of a tax. Although the bill failed to clear the House before the end of the legislative  
21 session, municipalities throughout the state have taken action on their own. Alaska  
22 legislative staff reported in March that 17 communities in the state no longer allow  
23 plastic shopping bags, 11 of them by formally adopted ordinances or resolutions.  
24 (Those include Wasilla, Tanana, Sitka, Koyuk, Kotlik, Kodiak, Galena, Fort Yukon,  
25 Hooper Bay, Emmonak, Cordova, and Bethel.) Most recently, the City of Soldotna  
26 adopted a ban on April 11, 2018.  
27

28 In the Municipality of Anchorage, we must take our responsibility as stewards of  
29 the local environment and sustainability seriously. An important part of  
30 demonstrating that commitment is reducing the volume of disposable or single-use  
31 plastic shopping bags that litter and pollute our beautiful scenery, choke local  
32 wildlife, and contaminate the environment. Furthermore, ordinances similar to this  
33 one have successfully reduced the amount of plastic bag litter and consumers use  
34 of them by 60% or more in other cities in the United States.  
35

36 Because this is a significant change to everyone in our community, I'm requesting  
37 the Administration commit to providing outreach and education to all retailers and  
38 communities in need. Ideally, all retail sellers shall post statements at all point of  
39 sale locations informing purchasers of the upcoming ban on disposable plastic

1 bags, and the timeline. Finally, the ban shall take full effect on January 1, 2019,  
2 to provide adequate time for retailers to deplete current inventories of plastic  
3 shopping bags and implement plans for alternative options.

4  
5 **I request your support for the ordinance.**

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8 Prepared by: Assembly Counsel  
9 Respectfully submitted: Dick Traini, Assembly Member  
10 District 4, Midtown