

**CITY OF HOMER  
HOMER, ALASKA**

Venuti

**ORDINANCE 18-43(S)**

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
SUBMITTING A BALLOT QUESTION TO THE VOTERS AT THE  
OCTOBER 1, 2019 REGULAR MUNICIPAL ELECTION INQUIRING  
WHETHER TO AMEND CITY CODE TO PROHIBIT SELLERS FROM  
PROVIDING BUYERS SINGLE-USE PLASTIC CARRY OUT BAGS.

WHEREAS, The use of single-use plastic carryout bags by retail establishments has been  
recognized by many communities nation-wide as detrimental to the environment; and

WHEREAS, The use of single-use plastic carryout bags by consumers at retail  
establishments is detrimental to the environment; and

WHEREAS, The manufacture and distribution of single-use plastic carry out bags  
requires utilization of natural resources and results in the generation of greenhouse gas  
emissions; and

WHEREAS, Single-use plastic carryout bags contribute to environmental problems,  
litter in drainage ditches, rivers and the ocean; and

WHEREAS, Single-use plastic carryout bags impose unseen costs on consumers, local  
governments, the state and taxpayers and constitute a public nuisance; and

WHEREAS, It is in the best interest of the City of Homer to restrict the use of single-use  
plastic carryout bags.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1: The Homer City Council finds that it is in the best interest of the community  
to ask the voters to authorize amendments to Homer City Code to prohibit the sellers from  
providing buyers with single use carry out bags.

Section 2: The City shall submit the following proposition to the qualified voters of the  
City at the October 1, 2019 regular election. The proposition must receive an affirmative vote  
from a majority of the qualified voters voting on the question to be approved.

PROPOSITION NO. 1

AMEND HOMER CITY CODE TO ADD CHAPTER 5.42 SINGLE USE PLASTIC CARRYOUT BAGS THE PURPOSE OF WHICH IS TO PROHIBIT A SELLER FROM PROVIDING A BUYER A SINGLE USE PLASTIC CARRY OUT BAG UNDER 2.5 MILS THICK

Section 3: Section 4 and Section 5 of this Ordinance are of permanent and general character and shall be included in the City Code with the passage of Ballot Proposition 1 at the regularly scheduled October 1, 2019 municipal election.

Section 4: Homer City Code Section 1.16.040 is amended to add the following line to the fine schedule:

| <b><u>CODE<br/>SECTION</u></b> | <b><u>DESCRIPTION OF OFFENSE</u></b>               | <b><u>FINE</u></b> |
|--------------------------------|----------------------------------------------------|--------------------|
| <u>HCC 5.42.030</u>            | <u>Single-use plastic carryout bags prohibited</u> | <u>\$50.00</u>     |

Section 5: Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags, is hereby enacted to read as follows:

Chapter 5.42  
SINGLE-USE PLASTIC CARRYOUT BAGS

5.42.010 Purpose.

5.42.020 Definitions.

5.42.030 Prohibition on use of single-use plastic carryout bags.

5.42.040 Exceptions.

5.42.050 Penalty.

5.42.010 Purpose. The purpose of this chapter is to reduce the generation of waste from single-use plastic carryout bags.

5.42.020 Definitions. In this chapter:

a. "Buyer" means a person who is a buyer under Kenai Peninsula Borough Code 5.18.900.

b. "Single-use plastic carryout bag" means a bag made from plastic that is neither intended nor suitable for continuous reuse and that is less than 2.25 mils thick, designed to carry customer purchases from the seller's premises, except for: bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware items, such as nails and bolts; bags used to contain dampness or leaks from items such as frozen foods, meat or fish, flowers or potted plants; bags used to protect prepared foods or bakery goods; bags provided by pharmacists to contain prescription drugs; newspaper bags,

laundry or dry cleaning bags; or bags sold for consumer use off the seller's premises for such purposes as the collection and disposal of garbage, pet waste, or yard waste; bags made of any material labeled as "biodegradable" or "compostable".

c. "Seller" means a person who is a seller under Kenai Peninsula Borough Code 5.18.900.

5.42.030 Prohibition on use of single-use carry out bags. No seller may provide to a buyer, any single-use plastic carryout bag for the purpose of carrying a buyer's purchased goods from the seller's premises.

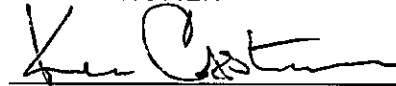
5.42.040 Exceptions. Inventories of single-use plastic carryout bags purchased before the date of enactment of this ordinance may continue to be used by sellers and provided to customers after January 1, 2019 until all such inventories of single-use plastic carryout bags are completely used in the course of regular business operations. Sellers providing single-use plastic carryout bags under this exception after January 1, 2019 must be willing and able to provide documentation that such bags were purchased on or before the date of enactment of this ordinance.

5.42.050 Violation - Penalty. The penalty for an offense in this chapter is the fine listed in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the defendant must appear in court and, if convicted, is subject to the general penalty as provided in HCC 1.16.010 unless another penalty is specifically provided.

Section 6: If Ballot Proposition 1 passes at the regularly scheduled October 1, 2019 municipal election, this ordinance shall take effect January 1, 2020.

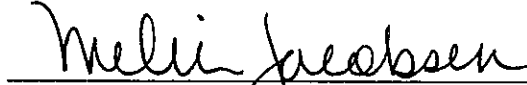
ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 22nd day of October, 2018

CITY OF HOMER



KEN CASTNER, MAYOR

ATTEST:



MELISSA JACOBSEN, MMC, CITY CLERK

YES: 4

NO: 2

ABSTAIN: 0

ABSENT: 0

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First Reading: 9.24.18

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Public Hearing: 10.8.18, 10.22.18

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Second Reading: 10.22.18

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Effective Date: 10.23.18

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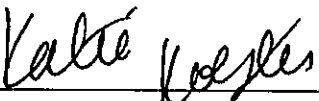
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Reviewed and Approved as to form and content:

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Katie Koester, City Manager

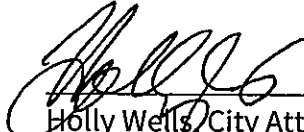
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Date: 10.26.18

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Holly Wells, City Attorney

Date: 11.6.18