

**CITY OF HOMER
HOMER, ALASKA**

Venuti

ORDINANCE 19-53

AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
AMENDING HOMER CITY CODE 1.16.040 FINE SCHEDULE AND
CHAPTER 5.42 SINGLE-USE PLASTIC CARRYOUT BAGS, SECTIONS
5.42.020 DEFINITIONS AND 5.42.040 EXCEPTIONS.

WHEREAS, Ordinance 18-43(S) was adopted on October 23, 2018 that addressed
submitting a question to the voters to prohibit sellers from providing single-use plastic
carryout bags; and

WHEREAS, Proposition A read “Shall the City of Homer 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?”; and

WHEREAS, Proposition A passed at the October 1, 2019 City of Homer Regular Election;
and

WHEREAS, In the process of implementing the code amendments adopted in Ordinance
18-43(S) discrepancies were identified and this ordinance corrects those items.

NOW, THEREFORE, The City of Homer Ordains:

Section 1: Homer City Code Section 1.16.040 is amended to add the following line to
the fine schedule:

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

Section 2: 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~~ **2.5** 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 ~~enactment~~ **effective date** of this ordinance may continue to be used by sellers and provided to customers after January 1, ~~2019~~ **2020** until all such inventories of single-use plastic carryout bags are completely used in the course of regular business operations, **or February 14, 2020 whichever comes first.** Sellers providing single-use plastic carryout bags under this exception between January 1, ~~2019~~ **2020 and February 14, 2020** 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 3. This ordinance is of a permanent and general character and shall be included in Homer City Code.

ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____, 2019.

CITY OF HOMER

KEN CASTNER, MAYOR

ATTEST:

MELISSA JACOBSEN, MMC, CITY CLERK

YES:

NO:

ABSTAIN:

ABSENT:

First Reading:

Public Hearing:

Second Reading:

Effective Date:

Reviewed and approved as to form.

Katie Koester, City Manager

Michael Gatti, City Attorney

Date:_____

Date:_____