

1 **CITY OF HOMER**
2 **HOMER, ALASKA**

Venuti

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4 **ORDINANCE 19-53**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE 1.16.040 FINE SCHEDULE AND
8 CHAPTER 5.42 SINGLE-USE PLASTIC CARRYOUT BAGS, SECTIONS
9 5.42.020 DEFINITIONS AND 5.42.040 EXCEPTIONS.
10

11 WHEREAS, Ordinance 18-43(S) was adopted on October 23, 2018 that addressed
12 submitting a question to the voters to prohibit sellers from providing single-use plastic
13 carryout bags; and
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15 WHEREAS, Proposition A read “Shall the City of Homer Amend Homer City Code to add
16 Chapter 5.42 Single Use Plastic Carryout Bags the Purpose of which is to Prohibit A Seller from
17 Providing a Buyer a Single Use Plastic Carry Out Bag under 2.5 Mils Thick?”; and
18

19 WHEREAS, Proposition A passed at the October 1, 2019 City of Homer Regular Election;
20 and
21

22 WHEREAS, In the process of implementing the code amendments adopted in Ordinance
23 18-43(S) discrepancies were identified and this ordinance corrects those items.
24

25 NOW, THEREFORE, The City of Homer Ordains:
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27 Section 1: Homer City Code Section 1.16.040 is amended to add the following line to
28 the fine schedule:

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

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31 Section 2: Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags, is hereby
32 enacted to read as follows:
33

34 Chapter 5.42
35 SINGLE-USE PLASTIC CARRYOUT BAGS
36

37 5.42.010 Purpose.

38 5.42.020 Definitions.

39 5.42.030 Prohibition on use of single-use plastic carryout bags.

40 5.42.040 Exceptions.

41 5.42.050 Penalty.

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43 5.42.010 Purpose. The purpose of this chapter is to reduce the generation of waste from
44 single-use plastic carryout bags.

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46 5.42.020 Definitions. In this chapter:

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48 a. "Buyer" means a person who is a buyer under Kenai Peninsula Borough Code
49 5.18.900.

50

51 b. "Single-use plastic carryout bag" means a bag made from plastic that is neither
52 intended nor suitable for continuous reuse and that is less than ~~2.25~~ **2.5** mils thick, designed
53 to carry customer purchases from the seller's premises, except for: bags used by customers
54 inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small
55 hardware items, such as nails and bolts; bags used to contain dampness or leaks from items
56 such as frozen foods, meat or fish, flowers or potted plants; bags used to protect prepared
57 foods or bakery goods; bags provided by pharmacists to contain prescription drugs;
58 newspaper bags, laundry or dry cleaning bags; or bags sold for consumer use off the seller's
59 premises for such purposes as the collection and disposal of garbage, pet waste, or yard waste;
60 bags made of any material labeled as "biodegradable" or "compostable".

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

63

64 5.42.030 Prohibition on use of single-use carry out bags. No seller may provide to a
65 buyer, any single-use plastic carryout bag for the purpose of carrying a buyer's purchased
66 goods from the seller's premises.

67

68 5.42.040 Exceptions. Inventories of single-use plastic carryout bags purchased before
69 the ~~enactment~~ **effective date** of this ordinance may continue to be used by sellers and
70 provided to customers after January 1, ~~2019~~ **2020** until all such inventories of single-use plastic
71 carryout bags are completely used in the course of regular business operations, **or February**
72 **14, 2020 whichever comes first.** Sellers providing single-use plastic carryout bags under this
73 exception between January 1, ~~2019~~ **2020 and February 14, 2020** must be willing and able to
74 provide documentation that such bags were purchased on or before the date of enactment of
75 this ordinance.

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77 5.42.050 Violation - Penalty. The penalty for an offense in this chapter is the fine listed
78 in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the
79 defendant must appear in court and, if convicted, is subject to the general penalty as provided
80 in HCC 1.16.010 unless another penalty is specifically provided.

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