

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

Venuti

3
4 **ORDINANCE 20-08**

5
6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA
7 AMENDING HOMER CITY CODE CHAPTER 5.42 SINGLE-USE
8 PLASTIC CARRYOUT BAGS, SECTION 5.42.020 DEFINITIONS TO
9 REMOVE BAGS MADE OF ANY MATERIAL LABELED AS
10 BIODEGRADABLE AS AN EXCEPTION AND DEFINE COMPOSTABLE.
11

12 WHEREAS, Ordinance 18-43(S) was adopted on October 23, 2018 that addressed
13 submitting a question to the voters to prohibit sellers from providing single-use plastic
14 carryout bags; and
15

16 WHEREAS, Proposition A read “Shall the City of Homer Amend Homer City Code to add
17 Chapter 5.42 Single Use Plastic Carryout Bags the Purpose of which is to Prohibit A Seller from
18 Providing a Buyer a Single Use Plastic Carry Out Bag under 2.5 Mils Thick?”; and
19

20 WHEREAS, Proposition A passed at the October 1, 2019 City of Homer Regular Election;
21 and
22

23 WHEREAS, Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags excludes
24 bags of any material labeled as “biodegradable” or “compostable” from the ban; and
25

26 WHEREAS, There are many bags available for use by retailers labeled as
27 “biodegradable” or “compostable” which are primarily or partially composed of plastic and
28 do not meet a qualified standard for completely breaking down in a natural or typical landfill
29 environment; and
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31 WHEREAS, Plastic bags labeled as “biodegradable” or ”compostable” contribute to
32 environmental problems, litter in drainage ditches, rivers and the ocean similarly to
33 prohibited single-use plastic carryout bags as defined by Homer City Code Chapter 5.42; and
34

35 WHEREAS, The American Society of Testing Materials (ASTM) has created D6400 as an
36 industry standard for plastics that can be certified as biodegradable and compostable in
37 commercial composting facilities; and
38

39 WHEREAS, There is no similarly recognized standard for biodegradable, making it
40 much more difficult to determine biodegradability of a non-bacteria based material; and
41

42 WHEREAS, It is in the best interest of the City of Homer and consistent with the voter's
43 intent to adhere to nationally recognized standards so retailers have clear guidelines on what
44 is permissible.

45
46 NOW, THEREFORE, The City of Homer Ordains:

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48 Section 1: Homer City Code Chapter 5.42.020 Single-Use Plastic Carryout Bags
49 Definitions, is hereby amended to read:

50
51 5.42.020 Definitions. In this chapter:

52
53 a. "Buyer" means a person who is a buyer under Kenai Peninsula Borough Code
54 5.18.900.

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

66
67 c. "Seller" means a person who is a seller under Kenai Peninsula Borough Code 5.18.900.

68
69 **d. "Compostable" means a bag that meets the American Society of Testing**
70 **Materials (ASTM) D6400 for compostable plastics.**

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72 Section 2. This ordinance is of a permanent and general character and shall be included
73 in Homer City Code.

74
75 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this ____ day of _____,
76 2020.

77 CITY OF HOMER

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79 _____
80 KEN CASTNER, MAYOR

81
82
83

84 ATTEST:

85

86 _____

87 MELISSA JACOBSEN, MMC, CITY CLERK

88

89 YES:

90 NO:

91 ABSTAIN:

92 ABSENT:

93

94 First Reading:

95 Public Hearing:

96 Second Reading:

97 Effective Date:

98

99 Reviewed and approved as to form.

100

101 _____

102 Katie Koester, City Manager

103

104 Date: _____

Michael Gatti, City Attorney

Date: _____