

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

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4 **ORDINANCE 18-43(S)**  
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6 AN ORDINANCE OF THE CITY COUNCIL OF HOMER, ALASKA,  
7 SUBMITTING A BALLOT QUESTION TO THE VOTERS AT THE  
8 OCTOBER 1, 2019 REGULAR MUNICIPAL ELECTION INQUIRING  
9 WHETHER TO AMEND CITY CODE TO PROHIBIT SELLERS FROM  
10 PROVIDING BUYERS SINGLE-USE PLASTIC CARRY OUT BAGS.  
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12 WHEREAS, The use of single-use plastic carryout bags by retail establishments has been  
13 recognized by many communities nation-wide as detrimental to the environment; and

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

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

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

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

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

25 NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

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

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

32 PROPOSITION NO. 1

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

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

39 Section 4: Homer City Code Section 1.16.040 is amended to add the following line to the  
40 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</u>

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

43 Chapter 5.42  
44 SINGLE-USE PLASTIC CARRYOUT BAGS

45 5.42.010 Purpose.

46 5.42.020 Definitions.

47 5.42.030 Prohibition on use of single-use plastic carryout bags.

48 5.42.040 Exceptions.

49 5.42.050 Penalty.

50 5.42.010 Purpose. The purpose of this chapter is to reduce the generation of waste from  
51 single-use plastic carryout bags.

52 5.42.020 Definitions. In this chapter:

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

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

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

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

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

69 5.42.040 Exceptions. Inventories of single-use plastic carryout bags purchased before  
70 the date of enactment of this ordinance may continue to be used by sellers and provided to  
71 customers after January 1, 2019 until all such inventories of single-use plastic carryout bags  
72 are completely used in the course of regular business operations. Sellers providing single-use  
73 plastic carryout bags under this exception after January 1, 2019 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.

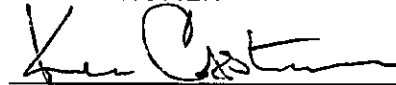
76 5.42.050 Violation - Penalty. The penalty for an offense in this chapter is the fine listed  
77 in the fine schedule in HCC 1.16.040. If no fine is listed for the offense in HCC 1.16.040, then the  
78 defendant must appear in court and, if convicted, is subject to the general penalty as provided  
79 in HCC 1.16.010 unless another penalty is specifically provided.

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

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

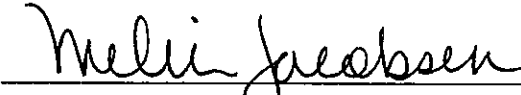
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CITY OF HOMER



KEN CASTNER, MAYOR

89 ATTEST:

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91 MELISSA JACOBSEN, MMC, CITY CLERK

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94 YES: 4

95 NO: 2

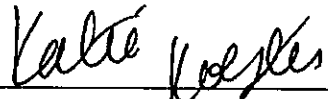
96 ABSTAIN: 0

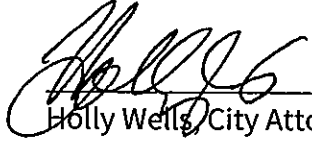
97 ABSENT: 0

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First Reading: 0.24.18  
Public Hearing: 10.8.18, 10.22.18  
Second Reading: 10.22.18  
Effective Date: 10.23.18

Reviewed and Approved as to form and content:

  
\_\_\_\_\_  
Katie Koester, City Manager

  
\_\_\_\_\_  
Holly Wells, City Attorney

Date: 10.26.18

Date: 11.6.18