

**CITY OF HOMER
HOMER, ALASKA**

Venuti

ORDINANCE 20-08(A)

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

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, Homer City Code Chapter 5.42 Single-Use Plastic Carryout Bags excludes
bags of any material labeled as "biodegradable" or "compostable" from the ban; and

WHEREAS, There are many bags available for use by retailers labeled as
"biodegradable" or "compostable" which are primarily or partially composed of plastic and
do not meet a qualified standard for completely breaking down in a natural or typical landfill
environment; and

WHEREAS, Plastic bags labeled as "biodegradable" or "compostable" contribute to
environmental problems, litter in drainage ditches, rivers and the ocean similarly to
prohibited single-use plastic carryout bags as defined by Homer City Code Chapter 5.42; and

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

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

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

NOW, THEREFORE, The City of Homer Ordains:

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

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 2.5 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.

d. "Compostable" means a bag that meets either the American Society of Testing Materials (ASTM) D6400, European Standard EN13432, or Australian Standard AS4736:2006 for compostable plastics.

Section 2. 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 25 day of February, 2020.

CITY OF HOMER


RACHEL LORD, MAYOR PRO TEMPORE

ATTEST:

Melissa Jacobsen

MELISSA JACOBSEN, MMC, CITY CLERK

YES: 6

NO: 0

ABSTAIN: 0

ABSENT: 0

First Reading: 2.10.2020

Public Hearing: 2.24.2020

Second Reading: 2.24.2020

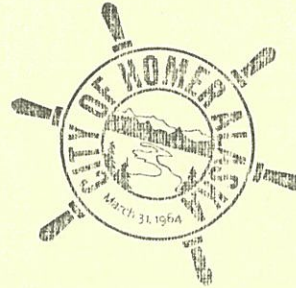
Effective Date: 2.25.2020

Reviewed and approved as to form.

Katie Koester

Katie Koester, City Manager

Date: 2-28-20



Michael Gatti, City Attorney

Date: 3/9/2020