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**CITY OF HOMER
HOMER, ALASKA**

Lewis/Burgess

ORDINANCE 12-36(A)

AN ORDINANCE OF THE HOMER CITY COUNCIL,
ENACTING HOMER CITY CODE CHAPTER 5.42
PROHIBITING SELLERS FROM PROVIDING CUSTOMERS
WITH DISPOSABLE PLASTIC SHOPPING BAGS.

WHEREAS, The use of disposable plastic shopping bags in Homer creates burdens on the local solid waste disposal system and degrades the environment; and

WHEREAS, To decrease the use of disposable plastic shopping bags in the City, it is necessary to restrict such use; and

WHEREAS, It is in the best interest of the health, safety and welfare of City residents to restrict the use of disposable plastic shopping bags in the City.

NOW, THEREFORE, THE CITY OF HOMER ORDAINS:

Section 1. Homer City Code Chapter 5.42 Disposable Plastic Shopping Bags, is hereby enacted to read as follows:

Chapter 5.42
DISPOSABLE PLASTIC SHOPPING BAGS

- 5.42.010 Purpose.
5.42.020 Definitions.
5.42.030 Prohibition on use of disposable plastic shopping 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 disposable plastic shopping 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. "Disposable plastic shopping bag" means a bag made from plastic or any material marketed or labeled as "biodegradable" or "compostable" that is neither intended nor suitable for continuous reuse and that is less than 2.25 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

47 to contain prescription drugs; newspaper bags, laundry or dry cleaning bags; or bags sold for
48 consumer use off the seller's premises for such purposes as the collection and disposal of
49 garbage, pet waste, or yard waste.

50 c. "Seller" means a person who is a seller under Kenai Peninsula Borough Code
51 5.18.900.

52
53 5.42.030 Prohibition on use of disposable plastic shopping bags. No seller may provide
54 to a buyer, any disposable plastic shopping bag for the purpose of carrying a buyer's purchased
55 goods from the seller's premises.

56
57 5.42.040 Exceptions. Inventories of plastic shopping bags purchased before the date of
58 enactment of this ordinance may continue to be used by sellers and provided to customers after
59 January 1, 2013 until all such inventories of plastic bags are completely used in the course of
60 regular business operations. Sellers providing plastic bags under this exception after January 1,
61 2013 must be willing and able to provide documentation that such plastic bags were purchased
62 on or before the date of enactment of this ordinance.

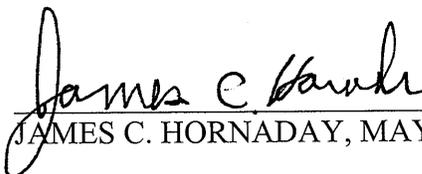
63
64 5.42.050 Penalty. The penalty for each violation of this chapter shall be a fine of \$50.00.

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66 Section 2. Section 1 of this Ordinance is of a permanent and general character and shall
67 be included in the City Code.

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69 Section 3. This Ordinance shall take effect on January 1, 2013.

70
71 ENACTED BY THE CITY COUNCIL OF HOMER, ALASKA, this 27 day of
72 August 2012.

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74 CITY OF HOMER

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78 JAMES C. HORNADAY, MAYOR
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81 ATTEST:

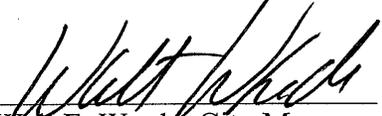
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83 
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85 JO JOHNSON, CMC, CITY CLERK
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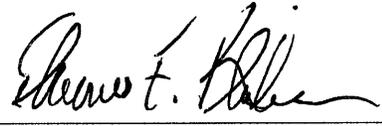
90 YES: 4
91 NO: 2
92 ABSTAIN: 0
93 ABSENT: 0

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95 First Reading: 7/23/12
96 Public Hearing: 8/13/12
97 Second Reading: 8/27/12
98 Effective Date: 1/01/13

99 Mayor vetoed 9/07/12; Council overrode veto 9/24/12
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101 Reviewed and approved as to form:

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103
104 
105 Walt E. Wrede, City Manager


106 Thomas F. Klinkner, City Attorney

107
108 Date: 8/29/12

Date: 8-31-12