

CITY OF UNALASKA
UNALASKA, ALASKA

ORDINANCE 2018-09

AN ORDINANCE OF THE UNALASKA CITY COUNCIL AMENDING CHAPTER 11.16 TO PROHIBIT THE DISTRIBUTION OF DISPOSABLE PLASTIC SHOPPING BAGS AND AMENDING CHAPTER 1.24.040 TO ADD A PENALTY TO THE MINOR OFFENSE ORDINANCE FOR THE UNLAWFUL DISTRIBUTION OF PLASTIC SHOPPING BAGS

WHEREAS, disposable plastic shopping bags burden the City's solid waste disposal facility, sewer and natural drainage systems, and degrade the environment; and

WHEREAS, it is in the best interest of the City of Unalaska and its residents to reduce the use of disposable plastic shopping bags;

BE IT ENACTED by the City Council of the City of Unalaska, as follows:

Section 1: Form. This is a Code ordinance.

Section 2: Amendment of UCO §11.16. Chapter 11.16 Litter; Sanitation Measures of the Unalaska Code of Ordinances is hereby amended by the addition of a new Section 11.16.040 to read as follows:

11.16.40 Disposable Plastic Shopping Bags.

(A) Sellers are prohibited from distributing disposable plastic shopping bags to buyers.

(B) As used in this section:

(1) "Buyer" means a person who is a purchaser of goods or services;

(2) "Disposable plastic shopping bag" means a bag made from plastic, including plastic marketed or labeled as "biodegradable" or "compostable", that is not suitable for repeated reuse if made of or containing plastic that is less than .004" (4 mils) thick, is unable to be cleaned and disinfected regularly, and is designed to carry buyer purchases from a seller's premises. "Disposable plastic shopping bag" does not include bags used by buyers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware items, such as washers 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; laundry or dry cleaning bags; bags sold for buyer's use off a seller's premises for such purposes as the collection and disposal of garbage, pet waste, or yard waste, or newspaper bags;

(3) "Seller" means every entity or person, whether acting as principal, agent, broker, or lessor, making sales at retail or rental of property to a consumer and who is required and responsible to collect and remit sales taxes levied by the City of Unalaska.

(C) Any person or entity violating this section is guilty of a minor offense and shall be subject to a penalty of \$100 per violation.

Section 3: Amendment of UCO §1.24.040. Section 1.24.040 of the Unalaska Code of Ordinances is hereby amended to read as follows: [new language is underlined]:

Code Section	Offense Description	Fine Amount
<u>11.16.040(A)</u>	<u>Unlawful distribution of plastic shopping bags</u>	<u>100</u>

Section 4: Effective Date: This ordinance shall be effective as of January 1, 2019.

PASSED AND ADOPTED by a duly constituted quorum of the Unalaska City Council on August 14, 2018.



Dennis M. Robinson
Vice Mayor

ATTEST:



Marjie Veeder
City Clerk



MEMORANDUM TO COUNCIL

To: Mayor and City Council Members
From: Erin Reinders, Assistant City Manager
Through: Thomas Thomas, City Manager
Date: July 24, 2018
Re: Ordinance 2018-09, an Ordinance of the Unalaska City Council Amending Chapter 11.16 to Prohibit the Distribution of Disposable Plastic Shopping Bags and Amending Chapter 1.24.040 to Add a Penalty to the Minor Offense Ordinance for the Unlawful Distribution of Plastic Shopping Bags

SUMMARY: Ordinance 2018-09 banning the distribution of plastic shopping bags was created at the direction of City Council and supported during the work session on July 10, 2018. Staff recommends approval of Ordinance 2018-09.

PREVIOUS COUNCIL ACTION: Members of the Unalaska Community Task Force to Ban Single-Use Plastics shared a presentation on single use plastics with City Council at the April 10, 2018 Council meeting. At the end of the meeting, the City Council directed the City Manager to move toward developing an ordinance banning the use of plastic grocery bags.

The draft ordinance banning the distribution of plastic grocery bags was discussed at the July 10, 2018 work session. All member of the public choosing to speak spoke in favor of the ordinance. Several members of the public encouraged City Council to expand the ordinance to other single use items, such as straws. All members of council spoke in favor of the ordinance, some also noting that this should be expanded to include other plastics and even a recycling program in the future.

BACKGROUND: The City Manager and Assistant City Manager met with members of the Unalaska Community Task Force to Ban Single-Use Plastics to discuss ways to address reducing the use of plastic grocery bags.

The City Manager and Assistant City Manager then met with Safeway's store manager to discuss potential local implications of a plastic grocery bag ban. The conversation mainly focused on the increased need for storage and shipping space associated with paper bags if they replaced plastic bags, bag for bag.

Staff had a follow up teleconference with Safeway's Director of Public and Government Affairs in Seattle, Sara Osborne. The discussion focused on what Safeway has done in other communities that banned the distribution of single use plastic grocery bags. The primary example was a reusable bag give away for a limited time to help with the transition away from single use plastic grocery bags. Although City Staff requested follow up figures and program statistics from Safeway, no additional details have been provided to date.

Wishing to keep this issue moving forward, the City Manager requested City Attorney's office to develop an ordinance banning the distribution of plastic shopping grocery bags.

DISCUSSION: The City Attorney's office has prepared an ordinance that amends Titles 11 and 1 of City Code to prohibit sellers from distributing disposable plastic shopping bags. The ordinance also defines seller, buyer and disposable plastic shopping bags for future clarification. The ordinance defines a violation as a minor offense and sets the fine at \$100 for each violation. As written, the ordinance would become effective on January 1, 2019.

The ordinance has been updated since the July 10, 2018 meeting discussion in order to correct the thickness measurement and to have a title more representative of the action taken.

FINANCIAL IMPLICATIONS: Implementing this ordinance results in no significant financial impact to the City of Unalaska.

LEGAL: The City Attorney prepared the ordinance.

STAFF RECOMMENDATION: Staff recommends approval of Ordinance 2018-09.

PROPOSED MOTION: I move to approve Ordinance 2018-09 and schedule it for second reading and public hearing on August 14, 2018.

CITY MANAGER'S COMMENTS: The City Manager recommends Council approve this ordinance.

ATTACHMENT: Ordinance 2018-09 amending Chapter 11.16 and Chapter 1.24.040.