

(Includes suggested amendment to Section 4)

**CITY OF KODIAK
ORDINANCE NUMBER 1372**

**AN ORDINANCE OF THE COUNCIL OF THE CITY OF KODIAK REDUCING
THE USE OF DISPOSABLE PLASTIC SHOPPING BAGS**

WHEREAS, the use of disposable plastic shopping bags in Kodiak 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 Kodiak, it is necessary to restrict and mitigate such use; and

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

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Kodiak, Alaska, as follows:

Section 1: Section 7.32.020 Definitions, of the Kodiak City Code, is hereby amended to add new definitions of “buyer,” “seller,” and “disposable plastic shopping bag”, and are added to read as follows:

7.32.020 Definitions

As used in this chapter:

“Buyer” means a person who is a purchaser of goods or services.

“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 4 mils thick, is unable to be cleaned and disinfected regularly, and is designed to carry buyer purchases from the 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 the seller’s premises for such purposes as the collection and disposal of garbage, pet waste, or yard waste; and newspaper bags.

“Seller” means a person or persons who vend property, including prepared foods, persons furnishing services, and all persons making sales, including goods and services.

Section 2: Chapter 7.32 Littering, of the Kodiak City Code, is hereby amended to add a new section, Section 7.32.050 Disposable Plastic Shopping Bags, to read as follows;

7.32.50 Disposable Plastic Shopping Bags

(a) The purpose of this section is to reduce the generation of waste from disposable plastic shopping bags.

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

Section 3: Sections 1 and 2 of this ordinance are of a permanent and general nature and shall be included in the Kodiak City Code.

Section 4: This ordinance shall take effect on April 22, 2018, in accordance with Kodiak Charter Article II, Section 13. **However, those inventories of disposable plastic shopping bags purchased by sellers prior to passage of this ordinance may be used after April 22, 2018, until these inventories of pre-purchased bags have been expended, but not later than October 31, 2018.**

CITY OF KODIAK

MAYOR

ATTEST:

CITY CLERK

First Reading: January 11, 2018

Second Reading:

Effective Date:

Ordinance No. 1372

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