CODE ORDINANCE

Introduced: March 12, 2020
Public Hearing: May 8, 2020
Adopted: May 8, 2020

CITY OF DILLINGHAM, ALASKA

ORDINANCE NO. 2020-02

AN ORDINANCE OF THE DILLINGHAM CITY COUNCIL AMENDING DILLINGHAM MUNICIPAL CODE CHAPTER 8.04 TO PROHIBIT THE DISTRIBUTION OF SINGLE-USE DISPOSABLE PLASTIC SHOPPING BAGS

WHEREAS, the use of single-use carry-out disposable plastic shopping bags in the City of Dillingham ("City") creates a burden on the environment, endangers wildlife, and has been shown to be harmful to bodies of water and problematic for solid waste management; and

WHEREAS, to decrease the number of littered disposable plastic shopping bags in the City, it is necessary to restrict general use; and

WHEREAS, it is in the best interest of the health, safety, and welfare of all residents to restrict the use of single-use disposable plastic shopping bags; and

WHEREAS, plastic carryout bags do not biodegrade, create problematic environmental issues, and frequently escape from trash containers and landfills creating a burden on residents and the City for clean-up;

NOW, THEREFORE, BE IT ENACTED BY THE DILLINGHAM CITY COUNCIL:

Section 1. **Classification**. This is a code ordinance.

Section 2. **Amendment of Section 8.04.020.** Section 8.04.020 of the Dillingham Municipal Code is hereby amended to read as follows [added language is underlined]:

8.04.020 Definitions.
The following definitions apply throughout this chapter:

"Affected Establishment" means any retail or commercial business that sells goods or prepared food, including but not limited to grocery stores, pharmacies, retail stores, and restaurants.

"Fish waste" means the leftover parts of dead fish, including carcasses, heads, tails, and internal organs.

"Garbage" means all putrescible solid wastes, including vegetable matter, animal feces, and carcasses of small animals.

"Hazardous waste" means any substances or materials that, by reason of their toxic, caustic, corrosive, abrasive, or otherwise injurious properties, may be detrimental or deleterious to the health of any person handling or otherwise coming into contact with such substances or materials. This includes those materials or substances which have been so designated by the State Department of Environmental Conservation and/or the Environmental Protection Agency.

"Person" means any individual, firm, governmental unit, organization, partnership, corporation, company or other entity.

"Putrescible waste" means material that can decompose and cause obnoxious odors.

"Refuse" means any putrescible or nonputrescible solid waste, except human excreta.

"Rubbish" means nonputrescible solid wastes.

"Secured load" means a load of refuse which has been secured and covered in the vehicle in a manner that will prevent any part of the refuse from leaving the vehicle while the vehicle is moving.

"Single-Use Plastic Disposable Shopping Bag" means a bag less than 2.25 mils thick made from plastic, or any material not marked or labeled "compostable", that is neither intended nor suitable for continuous reuse and that is, designed to carry 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.

Section 3. Adoption of Section 8.04.120. Section 8.04.120 of the Dillingham Municipal Code is hereby adopted as follows:

8.04.120 Single-Use Plastic Disposable Shopping Bag Prohibited

A. No affected retail establishment may provide to any customer a new single-use plastic disposable shopping bag for the purpose of carrying away goods from the point of sale.

B. No person may distribute single-use plastic disposable shopping bags at any city facility or any event held on city property.

Section 4. **Amendment of Section 1.20.040**. Section 1.20.040 of the Dillingham Municipal Code is hereby amended by the addition of new language to read as follows:

Code Section	Offense	Penalty/Fine
DMC 8.04.120	Distribution of single-use plastic disposable shopping bag.	$300

Section 4. **Effective Date.** This ordinance is effective December 31, 2020.

PASSED and ADOPTED by a duly constituted quorum of the Dillingham City Council on May 8, 2020.

Alice Ruby, Mayor

[SEAL]

ATTEST:

Lori Goodell, City Clerk