

Introduced by: Council Member Drake
Date: April 8, 2003
Public Hearing: May 13, 2003
Action: Failed
Vote: 3-3

CITY OF BETHEL, ALASKA

ORDINANCE #03-04

AN ORDINANCE PROHIBITING CERTAIN USES OF PLASTIC BAGS BY MERCHANTS OTHER THAN RESTAURANTS; ESTABLISHING PENALTIES FOR VIOLATIONS; AND PLACING THE ISSUE ON THE OCTOBER 7, 2003 BALLOT

- WHEREAS**, On January 17, 2003, the Bethel City Council passed Ordinance #01-17 banning the use and distribution of certain types of plastic carry-out bags by merchants, and;
- WHEREAS**, On October 2, 2001, Ordinance #01-17 was repealed by a referendum vote of the citizens of Bethel, and;
- WHEREAS**, since October 2, 2001, the landfill has become more littered with blown trash, including plastic carry-out bags, and;
- WHEREAS**, plastic bags blowing around town are continuing to be a growing problem – polluting the environment, constituting an eyesore and threatening the wildlife, and;
- WHEREAS**, the citizens of Bethel have expressed dissatisfaction with lifting the ban on plastic carry-out bags, and;
- WHEREAS**, alternative means such as paper or canvas carrying bags are available for carrying merchandise, and;
- WHEREAS**, AS 29.26.190(b) allows for enactment by a governing body of a substantially similar ordinance two years after a referendum repealing a substantially similar ordinance, and;
- WHEREAS**, the City Council believes that Bethel citizens should decide whether the ban on plastic bags should be reimposed, and;
- WHEREAS**, the greatest opposition to the ban on plastic bags was from restaurants, which use plastic bags because of the lower cost compared to other bags, limited space required to store bags, and insulation value of plastic bags; and

WHEREAS, in consideration of the legitimate concerns of restaurants articulated above, Ordinance 03-04 would not ban the use of plastic bags by restaurants.

NOW THEREFORE LET BE IT ORDAINED by the City Council of Bethel, Alaska, that:

SECTION 1. Classification. This Ordinance is permanent in nature and shall be incorporated into the Bethel Municipal Code.

SECTION 2. Adding Chapter 8.12. Bethel Municipal Code is amended by adding a new Chapter 8.12 as follows:

**Chapter 8.12
Plastic Bag Litter Control**

Sections:

8.12.010 Plastic bags – Uses Prohibited.
8.12.020 Violation – Penalties.

Section 8.12.010 Plastic bags – uses prohibited.

- A. It is unlawful for a merchant other than a restaurant to use plastic carry-out bags, or to provide or offer plastic carry-out bags for any customer’s use.
- B. As used in this chapter, “plastic carry-out bag” means a bag into which merchandise or goods are typically placed for the purpose of carrying the merchandise or goods out of a merchant’s place of business. Such bags typically are approximately twelve (12”) inches by sixteen (16”) inches with handles for ease of carrying. The term “plastic carry out bag” does not include garbage bags or other bags, the purpose of which is not primarily to carry merchandise.
- C. As used in this chapter, “restaurant” has the same meaning as in the definition provisions of Section 8.10.020(I) of the Bethel Municipal Code.

Section 8.12.020 Penalties

A violation of this chapter is punishable in accordance with section 1.08.010 of the Bethel Municipal Code.

SECTION 3. Election. The City Clerk shall place the following proposition on the October 7, 2003 ballot to be presented to the voters of the City of Bethel:

Proposition

**PROHIBITING CERTAIN USES OF PLASTIC BAGS BY MERCHANTS OTHER
THAN RESTAURANTS AND ESTABLISHING PENALTIES FOR VIOLATIONS**

Shall Ordinance #03-04 be enacted, adding the following
Chapter 8.12 to the Bethel Municipal Code?

**Chapter 8.12
Plastic Bag Litter Control**

Section 8.12.010 Plastic bags - uses prohibited.

A. It is unlawful for a merchant other than a restaurant to use plastic carry-out bags, or to provide or offer plastic carry-out bags for any customer's use.

B. As used in this chapter, "plastic carry-out bag" means a bag into which merchandise or goods are typically placed for the purpose of carrying the merchandise or goods out of a merchant's place of business. Such bags typically are approximately twelve (12") inches by sixteen (16") inches with handles for ease of carrying. The term "plastic carry out bag" does not include garbage bags or other bags, the purpose of which is not primarily to carry merchandise.

C. As used in this chapter, "restaurant" has the same meaning as in the definition provisions of Section 8.10.020(I) of the Bethel Municipal Code.

Section 8.12.020 Penalties

A violation of this chapter is punishable in accordance with section 1.08.010 of the Bethel Municipal Code.

Yes No

SECTION 4. Severability. If any clause, sentence, paragraph, section or portion of this Ordinance for any reason is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

SECTION 5. Effective Date. Sections 1, 2, 4 and 5 of this Ordinance shall become effective January 7, 2004 if a majority of the qualified voters voting at the October 7, 2003 regular Bethel Election vote in favor of the proposition at Section 3. Section 3 shall become effective upon enactment.

ENACTED THIS _____ DAY OF _____ 2003, by a vote of _____ in favor and _____ opposed.

ATTEST:

Hugh Short, Mayor

Janette Persinger, City Clerk