

Introduced by: Council Member Hoffman
Date: June 23, 2009
Public Hearing: July 14, 2009
Action: Passed
Vote: 5-2

CITY OF BETHEL, ALASKA

ORDINANCE #09-12

AN ORDINANCE BANNING THE USE OF NON-BIODEGRADABLE PLASTIC CARRY-OUT BAGS AND POLYSTYRENE TAKE-OUT CONTAINERS AT POINT OF SALE BY RETAIL ESTABLISHMENTS IN THE CITY OF BETHEL

WHEREAS, On May 8, 2001, the Bethel City Council passed Ordinance #01-17 banning the use and distribution of certain types of plastic carry-out bags by merchants, on October 2, 2001, Ordinance #01-17 was repealed by a referendum vote of the citizens of Bethel;

WHEREAS, along with the use of plastic carry-out bags polystyrene take-out containers are widely used within the community and also provided a burden to the environment due to their inability to biodegrade, all of which is continuing to litter the community and stress the capabilities of the landfills future operation;

WHEREAS, worldwide there are between 500 billion and 1 trillion plastic bags used each year, approximately 1 million each minute the production and use of which have significant environmental impacts including litter, the consumption petroleum and often natural gas which are both non-renewable resources, as-well as the death of wildlife;

WHEREAS, polystyrene containers are produced from petroleum, a non-sustainable, heavily polluting and disappearing commodity which when introduced to the landfill will break up into tiny pieces however never completely biodegrade;

WHEREAS, according to the National Geographic it can take months or hundreds of years for the plastic bag to breakdown and when they do it is in tiny toxic bits which seep into the soil and the river;

WHEREAS, with the closing of the current landfill a projected 25 years away and the continued use of these products on their current level, the City of Bethel will be facing extremely high costs of landfill closing and opening of the new site;

WHEREAS, aside from the direct fiscal responsibility for the landfill these items litter the landscape of the once immaculate tundra and unless picked up by a passerby will remain there for many years to come if not indefinitely;

WHEREAS, it may not seem like a severe problem now, but as these items continued to be used the situation will grow into a condition that cannot be reversed;

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:

Sections:

| | |
|-----------------|--|
| 8.12.010 | Definitions |
| 8.12.020 | Non-biodegradable plastic carry-out bags |
| 8.12.030 | Polystyrene foam disposable food service ware |
| 8.12.040 | Exemptions |

8.12.010 Definitions

"Affected Retail Establishment" means any commercial business facility that sells goods directly to the ultimate consumer including but not limited to grocery stores, pharmacies, and retail stores

"ASTM Standard" means meeting the standards of the American Society for Testing and Materials (ASTM) International standards D6400 or D6868 for biodegradable and compostable plastics.

"Biodegradable" means the entire product or package will completely break down and return to nature, i.e., decompose into elements found in nature within a reasonably short period of time after customary disposal.

"Customer" means any person obtaining prepared food from a restaurant or retail vendor.

"Disposable Food Service Ware" means all containers, bowls, plates, trays, cartons, cups, lids, and other items that are designated for one-time use and on, or in, which restaurant or retail food vendors directly places or packages prepared food or which are used to consume foods. This includes, but is not limited to, service ware for takeout foods and/or leftovers from partially consumed meals prepared at restaurants or retail food vendors.

"Food Vendor" means any restaurant or retail food vendor located or operating within the City of Bethel.

"Polystyrene Foam" means and includes blown polystyrene and expanded and extruded foams which are thermoplastic petrochemical materials utilizing a styrene monomer and processed by any number of techniques including but not limited to, fusion of polymer spheres, injection molding, foam molding, and extrusion-blow molding. Polystyrene foam is generally used to make cups, bowls, plates, trays otherwise known as Styrofoam.

8.12.020 Non-biodegradable plastic carry-out bags

A. Affected retail establishments, food vendors and non-profit vendors are prohibited from providing plastic carry-out bags to their customers at the point of sale to transport purchased items. Reusable bags, recyclable paper bags and compostable bags, including biodegradable plastic bags, are allowed alternatives.

B. Nothing in this section shall be read to preclude affected retail establishments, food vendors and non-profit vendors from making recyclable paper bags available to customers.

C. Affected retail establishments, food vendors and non-profit vendors are encouraged to provide incentives for the use of reusable bags through education and through credits or rebates for customers that sue reusable bags at the point of sale for the purpose of carrying away goods.

D. No person shall distribute plastic carry-out bags at any city facility or any event held on city property.

8.12.030 Polystyrene foam disposable food service ware

A. Except as provided in Section 8.12.040, food vendors are prohibited from providing prepared food to customers in disposable food service ware that uses polystyrene foam.

B. All city facilities are prohibited from using polystyrene foam disposable food service ware and all city departments and agencies will not purchase or acquire polystyrene foam disposable food service ware for use at city facilities.

C. All food vendors using any disposable food service ware will use biodegradable or compostable disposable food service ware unless they can show an affordable biodegradable or compostable product is not available for a specific application. Food vendors are strongly encouraged to reuse food service ware in place of using disposable food service ware.

8.12.040 Exemptions

A. Prepared food prepared or packaged outside the City of Bethel are exempt from the provisions of this chapter. Purveyors of food prepared or packaged outside the city of Bethel are encouraged to follow the provision of this chapter.

B. Food vendors will be exempted from the provisions of this chapter for specific items or types of disposable food service ware if the City Administrator or his/her designee finds that a suitable affordable biodegradable or compostable alternative does not exist and/or that imposing the requirements of this chapter on that item or type of disposable food service ware would cause undue hardship.

C. Polystyrene foam coolers and ice chests that are intended for reuse are exempt from the provisions of this chapter.

D. Disposable food service ware composed entirely of aluminum is exempt from the provision of this chapter.

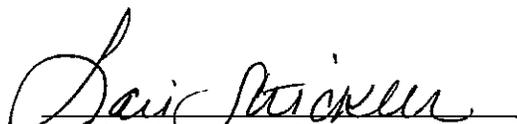
E. Emergency supply and service procurement: In a situations deemed by the city administrator to be an emergency for the immediate preservation of the public peace, health or safety, city facilities, food vendors, contractors and vendors doing business with the city shall be exempt from the provisions of this chapter.

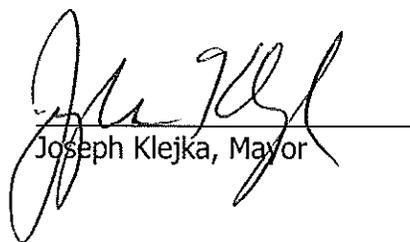
SECTION 4. Severability. If any clause, sentence, paragraph, section or portion of this Ordinance for any reason is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair or invalidate the remainder of this ordinance, but shall be confined in its operation 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. This Ordinance shall become effective September 1, 2010.

ENACTED THIS 14 DAY OF JULY 2009, BY A VOTE OF 5 IN FAVOR AND 2 OPPOSED.

ATTEST:


Lori Strickler, City Clerk


Joseph Klejka, Mayor