

ANCHORAGE, ALASKA
AO No. 2019-128(S), As Amended

AN ORDINANCE AMENDING ANCHORAGE MUNICIPAL CODE SECTIONS 14.60.030, 15.95.010, AND 15.95.020, TO REPEAL THE REQUIREMENT TO CHARGE A FEE FOR PROVIDING AN ALTERNATIVE BAG, TO EXEMPT RESTAURANTS FROM THE PLASTIC BAG PROHIBITION, AND TO AMEND THE DEFINITION OF REUSABLE BAG.

WHEREAS, the Anchorage Assembly passed AO 2018-63(S) on August 28, 2018 to prohibit certain retail sellers from distributing plastic shopping bags;

WHEREAS, through AO 2018-110, As Amended, the Anchorage Assembly delayed the date the prohibition went into effect to September 15, 2019;

WHEREAS, as the prohibition on plastic bags is being implemented across the Municipality, issues with interpretation and implementation have been brought to light; now, therefore,

THE ANCHORAGE ASSEMBLY ORDAINS:

~~**[Section 1. Anchorage Municipal Code chapter 14.60.030 - Fine schedule - is hereby amended to read as follows (the remainder of the section is not affected and therefore not set out):**~~

~~**14.60.030 Fine schedule.**~~

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[15.95.020B.	FAILURE TO CHARGE OR ITEMIZE FEE FOR ALTERNATIVE BAG	FIRST OFFENSE: WARNING.
		SECOND OFFENSE: \$250.00/VIOLATION.
		THIRD AND SUBSEQUENT OFFENSES: \$500.00/ VIOLATION.]

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~~(AO No. 93-167(S-1), § 1, 4-13-94; AO No. 94-108, § 1, 10-5-94; AO No. 94-134, § 2, 9-8-94; AO No. 95-42, § 2, 3-23-95; AO No. 95-67(S), § 9, 7-1-95; AO No. 95-102, § 1, 4-26-95; AO No. 95-118, § 3, 9-1-95; AO No.~~

~~95-163(S), § 21, 8-8-95; AO No. 95-195(S-1), 1-1-96; AO No. 96-51(S-1), § 2, 8-1-96; AO No. 96-96(S-1), § 2, 2-1-97; AO No. 96-126(S), § 3, 10-1-96; AO No. 96-137(S), § 9, 1-2-97; AO No. 97-88, § 3, 6-3-97; AO No. 97-107, § 3, 11-17-97; AO No. 97-133(S), § 1, 11-11-97; AO No. 98-27(S-1), § 2, 11-11-97; AO No. 98-160, § 2, 12-8-98; AO No. 99-13(S), 2-9-99; AO No. 99-91(S), § 4, 7-13-99; AO No. 2000-64, § 1, 4-18-00; AO No. 2000-116(S), § 4, 7-18-00; AO No. 2000-127(S), § 2, 10-14-00; AO No. 2000-129(S), § 26, 11-21-00; AO No. 2001-48, § 1, 3-13-01; AO No. 2001-74(S), § 2, 4-17-01; AO No. 2001-4, § 2, 2-6-01; AO No. 2001-145(S-1), § 11, 12-11-01; AO No. 2003-68, § 1, 9-30-03; AO No. 2003-97, § 4, 9-30-03; AO No. 2003-117, § 2, 1-28-03; AO No. 2003-130, § 8, 10-7-03; AO No. 2003-152S, § 10, 1-1-04; AO No. 2004-1, § 2, 1-1-03; AO No. 2004-99, § 2, 6-22-04; AO No. 2004-100(S-1), § 6, 1-1-05; AO No. 2004-171, § 1, 1-11-05; AO No. 2005-160, § 9, 11-1-05; AO No. 2005-84(S), § 3, 1-1-06; AO No. 2005-185(S), § 35, 2-28-06; AO No. 2005-124(S-1A), § 33, 4-18-06; AO No. 2006-39, § 6, 4-11-06; AO No. 2006-54, § 1, 5-2-06; AO No. 2006-80, § 1, 6-6-06; AO No. 2007-50, § 4, 4-10-07; AO No. 2007-60, § 4, 11-1-07; AO No. 2007-70, § 3, 5-15-07; AO No. 2008-84(S), § 5, 7-15-08; AO No. 2009-61, § 3, 7-7-09; AO No. 2009-82, § 5, 7-7-09; AO No. 2009-40(S), § 3, 7-21-09; AO No. 2009-112, § 4, 10-13-09; AO No. 2009-122, § 2, 12-17-09; AO-2010-35(S), § 7, 5-11-10; AO No. 2010-39, § 2, 5-11-10; AO No. 2010-87(S), § 3, 12-7-10; AO No. 2011-46, § 4, 4-12-11; AO No. 2011-59, § 10, 5-24-11; AO No. 2011-106(S), § 3, 11-8-11; AO No. 2011-112, § 4, 11-22-11, eff. 12-22-11; AO No. 2012-10, § 1, 1-31-12; AO No. 2012-77, § 29, 8-7-12; AO No. 2013-109(S-1), § 5, 12-3-13; AO No. 2013-130(S-1), § 1, 1-14-14; AO No. 2014-42, § 31, 6-21-14; AO No. 2014-85, § 4, 8-5-14; AO No. 2014-110(S), § 2, 9-9-14; AO No. 2014-137(S), § 3, 11-18-14; AO No. 2015-23(S), § 20, 3-24-15; AO No. 2015-48, § 16, 5-14-15; AO No. 2015-54, § 1, 5-26-15; AO No. 2015-65, § 4, 6-9-15; AO No. 2015-111(S-1), § 2, 1-1-16; AO No. 2016-16(S), § 4, 2-9-16; AO No. 2016-76(S), § 7, 7-12-16; AO No. 2016-81(S), § 4, 8-25-16; AO No. 2016-83(S), § 9, 7-26-16; AO No. 2016-82, § 3, 8-9-16; AO No. 2016-116, § 2, 10-18-16; AO No. 2016-115(S), § 2, 11-15-16; AO No. 2016-124(S), § 11, 12-20-16; AO No. 2017-26, § 2, 5-1-17; AO No. 2017-29(S), § 61, 6-1-17; AO No. 2017-30, § 3, 3-21-17; AO No. 2017-31(S), § 5, 5-26-17; AO No. 2017-119(S), § 4, 11-9-17; AO No. 2017-101, § 2, 2-5-18; AO No. 2017-161(S), § 3, 2-27-18; AO No. 2017-16, § 3, 2-14-17; AO No. 2017-129, § 2, 1-23-18; AO No. 2018-63(S), § 2, 8-28-18; AO No. 2018-100(S), § 2, 1-1-19; AO No. 2018-110, § 2, 12-18-18; AO No. 2019-9(S), § 2, 2-12-19; AO No. 2019-12, § 2, 3-5-19; AO No. 2019-15(S), § 2, 3-19-19; AO No. 2019-34, § 5, 4-18-19; AO No. 2019-50(S), § 2, 6-6-19; AO No. 2019-66, § 26, 6-18-19; AO No. 2019-74(S), § 2, 6-18-19)~~

Editor's note— Section 5 of AO No. 2014-85 states, "Transitional provisions: Municipal towing operator licenses issued prior to the effective date of this ordinance and expiring on October 1, 2014 are extended by operation of law until December 31, 2014 without additional fee or penalty. Municipal towing operator licenses issued prior to the effective date of this

~~ordinance and expiring on October 1, 2015 are extended by operation of law until December 31, 2015 without additional fee or penalty. New 2014 tow operator licenses issued after the effective date of this ordinance shall expire on December 31, 2014 and the application fee shall be \$150.00 for one registered vehicle, plus \$20.00 for each additional registered vehicle, without proration."~~

~~Section 4 of AO No. 2014-137(S) states, "The provisions of this ordinance governing license applications and the related submittal requirements and license fees for 2015 are effective immediately. Applications for 2015 shall be submitted and accepted under the provisions of this ordinance. All other provisions of this ordinance are effective January 1, 2015."~~

Section 2. Anchorage Municipal Code chapter 15.95 - Plastic shopping bags - is hereby amended to read as follows (*the remainder of the chapter is not affected and therefore not set out; definition of "plastic shopping bag" included in the S-version*):

15.95.010 Definitions.

Plastic shopping bag means a single-use carryout ~~[disposable]~~ bag made exclusively or primarily of soft plastic [less than 4 mils thick] (including plastics marked or labeled as "biodegradable" or "compostable") that is designed to carry customer purchases from the retail seller's premises and is not a reusable bag.

Retail seller means a commercial business located within the municipality, including but not limited to markets, grocery stores, convenience stores, pharmacies, drug stores, ~~[vendors,]~~ retail stores, ~~{restaurants,}~~ or similar establishments ~~{that sells goods or {prepared} food directly to final consumers[,],~~ such as household supplies, perishable items, or food merchandise, including meat, produce, dairy products, or snack foods~~].~~

Reusable bag means a bag that is designed and manufactured to withstand repeated use over time and is made from material that is machine washable or that can be cleaned and disinfected regularly. ~~[{:~~

~~A. [} is designed and manufactured to withstand repeated use over time.];~~

~~[B. Is made from cloth, other machine washable fabric, or is made from other [WOVEN] material that can be cleaned and disinfected regularly; and~~

~~C. Has handles.}]~~

(AO No. [2018-63\(S\)](#), § 1, 8-28-18; AO No. [2018-110](#), § 1, 12-18-18)

15.95.020 Prohibition on providing or distributing plastic shopping bags; [FEES FOR ALTERNATIVE BAGS;] exceptions.

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2 A. On or after September 15, 2019, except as provided in this
3 section a retail seller shall not provide a plastic shopping bag to a
4 purchaser to carry away goods purchased from, or serviced by, the
5 retail seller.

6
7 B. On or after September 15, 2019, except as provided in this
8 section, ~~[a retail seller may provide an alternative or reusable bag~~
9 ~~without limitation or fee.]~~ [a retail seller may provide an alternative bag
10 to a purchaser to carry away goods purchased from, or serviced by,
11 the retail seller, and if they do, they shall charge a minimum fee of
12 \$0.10 per bag with a maximum charge of \$0.50 per transaction. A
13 retail seller:

- 14
15 1. Shall not absorb or discount the required fees established by
16 this subsection,
17 2. Shall state the fees as a separate item on the receipt provided
18 to the purchaser, and
19 3. May retain the full amount of the fee or give any portion of it
20 to a nonprofit.
21 4. The fees in this section shall be waived for any transaction in
22 which purchases are made with state or federal supplemental
23 nutrition assistance programs, commonly known as food
24 stamps, food coupons or other type of allotment issued under
25 7 U.S.C. 2011-2036, or with food instruments, food vouchers,
26 or other type of certificate issued under 42 U.S.C. 1786
27 (Special Supplemental Food Program for Women, Infants,
28 and Children), or other similar programs.
29 5. A retail seller or other organization is not required to charge a
30 fee when they distribute alternative bags at temporary events
31 where the bags are provided for a general use without a
32 clearly associated sale.
33 6. The fees in this section do not apply to any transaction where
34 the purchase is paid directly by the United States or its
35 instrumentalities insofar as they are immune from local
36 regulation.
37 7. The fees in this section do not apply to businesses such as
38 restaurants and vendors at temporary markets.]

39
40 ~~[C. A retail seller may provide a reusable bag without limitation or fee.]~~

41
42 ~~[G]H[D].~~ Exceptions. The prohibition established in this section does
43 not apply to a plastic bag that is:

44 *** *** ***

45 ~~[11. Provided by a restaurant, drive-through food~~
46 ~~service business, market, or street vendor selling prepared~~
47 ~~and ready-to-eat foods.]~~

Section 3. This ordinance shall be effective immediately upon passage and approval by the Assembly.

PASSED AND APPROVED by the Anchorage Assembly this 5th day of November, 2019.

Chair of the Assembly

ATTEST:

Municipal Clerk