

By: Nadine Winters
Introduced:

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5 FAIRBANKS NORTH STAR BOROUGH

6
7 ORDINANCE NO. 2009 -

8
9 AN ORDINANCE AMENDING TITLE 8 OF THE FNSB CODE OF ORDINANCES TO
10 ESTABLISH A VOLUNTARY PROGRAM DESIGNED TO REDUCE THE USE OF
11 PLASTIC BAGS, IMPOSE A FEE FOR CERTAIN PLASTIC BAGS PROVIDED TO
12 CUSTOMERS BY LARGE RETAILERS AND ESTABLISH A LOCAL RECYCLING
13 PROGRAM SPECIAL REVENUE FUND
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15 WHEREAS, Fairbanks North Star Borough voters approved in 1993 a
16 policy to encourage recycling, reuse and reduction of solid wastes generated in the
17 Borough; and

18
19 WHEREAS, Americans use over 14 billion plastic bags a year; and

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21 WHEREAS, Plastic bags do not biodegrade in landfills; and

22
23 WHEREAS; Collection and disposal can cost up to 17 cents per plastic
24 bag; and

25
26 WHEREAS, regulation that discourages and decreases the use of
27 disposable plastic bags in the Borough is in the best interests of the Borough; and

28
29 WHEREAS, the successful reduction of the number of disposable plastic
30 bags entering the Borough's solid waste stream, along with the integration of reusable
31 bags and the increase in recycling of plastic bags, will help the Borough achieve the
32 policy goal approved by voters.
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CODE AMENDMENTS ARE SHOWN IN LEGISLATIVE FORMAT
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34 NOW, THEREFORE, BE IT ORDAINED BY THE FAIRBANKS NORTH
35 STAR BOROUGH ASSEMBLY;

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37 Section 1. This ordinance is of a general and permanent nature and shall
38 be codified.

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40 Section 2. Chapter 8.12 of the FNSB Code of Ordinances is amended to
41 add the following chapters:

42 8.12.037 **Voluntary Program for Participating Retailers**

43 A. Sellers using disposable plastic bags, that fall outside the definition of
44 retail sellers, may on a voluntary basis, charge the disposable plastic bag fee imposed
45 in this chapter. If the seller chooses to participate then the seller is subject to the
46 requirements of this chapter.

47 B. Sellers of goods using disposable plastic bags who choose not to
48 participate in charging the disposable plastic bag fee may also participate in the
49 program by:

- 50 1. Making available recycling bins/canisters for plastic shopping bags.
51 2. Developing messages placed in highly visible areas that
52 encourages and reminds shoppers to use reusable bags.
53 3. Making reusable bags available at a reasonable price.

54
55 8.12.038 **Disposable plastic Bag Fee**

56 A. Effective _____, all retail sellers, as defined in this chapter,
57 shall charge and collect a five cent (\$0.05) fee for each disposable plastic bag provided
58 to customers. The amount of the fee shall be stated separately on a sales receipt,
59 invoice, or other record of sale. It shall be a violation of this section for any store
60 subject to the requirements of this section to pay or otherwise reimburse a customer for
61 any portion of this fee.

62 B. A retail seller may retain three percent of the total collected amount of the
63 disposable plastic bag fee as reimbursement for any costs associated with the

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64 administration and collection of the fee. The retail store shall keep a record of the
65 number of disposable plastic bags the retail seller has purchased, been provided with,
66 or otherwise acquired, and a record of the amount paid on disposable bags subject to
67 this section that are provided to, or sold to, retail consumers on a monthly basis.

68 C. The purpose of the fee established in this chapter is to regulate the
69 generation of waste from disposable plastic bags by creating an economic incentive for
70 customers to use reusable shopping bags.

71 D. On a monthly basis and as otherwise may be required by the Chief
72 Financial Officer, all retail sellers required to collect the disposable plastic bag fee shall
73 report and remit the total fees due to the Borough. Payments and receipts shall be
74 reported on forms prescribed by the Borough's Chief Financial Officer. The Chief
75 Financial Officer is authorized to adopt rules for the administration, payment, collection
76 and enforcement of the fee imposed in this chapter.

77 E. If a report or payment of any amounts due under this section are not
78 received by the Chief Financial Officer on or before the due date, the Chief Financial
79 Officer shall add a penalty calculated in the same manner as the penalty imposed under
80 FNSB 3.58.090 as it now exists or as it may be amended except that it shall be
81 calculated on the amount of fees due. Nothing in this subsection shall be construed to
82 deem any fees required under this chapter to be a tax.

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84 **8.12.039 Local recycling program special revenue fund**

85 The local recycling program special revenue fund is hereby established. All
86 funds received from the payment of the plastic bag fee shall be deposited into the local
87 recycling program special revenue fund. Money in this account may be appropriated
88 only to support Borough recycling efforts. Authorized expenditures from this fund, which
89 may be expended without further appropriation, are funds used to support the voluntary
90 program to reduce the use of disposable plastic bags and funds to make available to the
91 public, for a reduced fee or free-of-charge, reusable shopping bags to the extent the
92 Mayor determines that such programs will significantly reduce the costs associated with
93 the recycling and disposal of plastic bags.

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95 Section 3. Section 8.12. 021 **Definitions** is amended to add the following
96 definitions (which shall be added by the clerk in alphabetical order).

97 "Retail seller" means any person or entity engaged in the business of offering
98 and/or selling goods directly to a customer and that has annual gross sales of one
99 million dollars or more in the Fairbanks North Star Borough.

100 "Disposable plastic bag" means a bag made of plastic designed for one-time use
101 to carry customer purchases from a store. It does not include: a compostable plastic
102 bag; a bag used only to contain ice; bags used by customers inside stores to package
103 bulk items such as fruit, vegetables, nuts, candy or small hardware items; bags used to
104 contain or wrap frozen foods, meat or fish flowers, or other items where dampness may
105 be a problem; bags used to protect prepared foods or bakery goods; bags provided by
106 pharmacists to contain prescription drugs; newspaper bags, door-hanger bags, laundry-
107 dry cleaning bags, or bags sold in packages containing multiple bags intended for use
108 as garbage, pet waste, or yard waste bags.

109 "Chief Financial Officer" means the Finance Director or any officer, agent or
110 employee of the Borough designated to act on the Chief Financial Officer's behalf.

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112 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m.
113 of the first Borough business day following its adoption.

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115 PASSED AND APPROVED THIS _____ DAY OF _____, 2008.

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Nadine Winters
Presiding Officer

ATTEST:

APPROVED:

Mona Lisa Drexler, MMC
Borough Municipal Clerk

A. René Broker
Borough Attorney

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