

1 By: Nadine Winters  
2 Introduced: 08/20/09  
3 Advanced: 08/20/09  
4 Substituted: 09/10/09  
5 Adopted: 09/10/09  
6 Notice of Intent to Rescind  
7 Filed: 09/24/09  
8 Rescinded: 10/08/09  
9 Defeated: 10/08/09  
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11  
12 FAIRBANKS NORTH STAR BOROUGH

13  
14 ORDINANCE NO. 2009 - 40  
15

16 AN ORDINANCE AMENDING TITLE 8 OF THE FNSB CODE OF ORDINANCES TO  
17 ESTABLISH A VOLUNTARY PROGRAM DESIGNED TO REDUCE THE USE OF  
18 PLASTIC BAGS, IMPOSE A FEE FOR CERTAIN PLASTIC BAGS PROVIDED TO  
19 CUSTOMERS BY LARGE RETAILERS AND ESTABLISH A LOCAL RECYCLING  
20 PROGRAM SPECIAL REVENUE FUND  
21

22  
23 WHEREAS, Fairbanks North Star Borough voters approved in 1993 a  
24 policy to encourage recycling, reuse and reduction of solid wastes generated in the  
25 Borough; and

26 WHEREAS, Americans use over 14 billion plastic bags a year; and  
27

28 WHEREAS, Plastic bags do not biodegrade in landfills and reducing their  
29 use would provide available space at the landfill; and  
30

31 WHEREAS; Collection and disposal have been estimated in some  
32 municipalities to cost up to 17 cents per plastic bag; and  
33

34 WHEREAS, the Borough expends over \$30,000 annually in litter pickup  
35 efforts, a third of which is estimated to be plastic bags; and  
36

37 WHEREAS, regulation that discourages and decreases the use of  
38 disposable plastic bags in the Borough is in the best interests of the Borough; and  
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WHEREAS, the successful reduction of the number of disposable plastic bags entering the Borough's solid waste stream, along with the integration of reusable bags and the increase in recycling of plastic bags, will help the Borough achieve the policy goal approved by voters.

NOW, THEREFORE, BE IT ORDAINED BY THE FAIRBANKS NORTH STAR BOROUGH ASSEMBLY;

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

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

**8.12.037 Voluntary Program for Participating Retailers**

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

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

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

**8.12.038 Disposable plastic Bag Fee**

A. Effective January 1, 2010, all retail sellers, as defined in this chapter, shall charge and collect a five cent (\$0.05) fee for each disposable plastic bag provided to customers. The amount of the fee shall be stated separately on a sales receipt, invoice, or other record of sale. It shall be a violation of this section for any store subject to the requirements of this section to pay or otherwise reimburse a customer for any portion of this fee.

B. The retail store shall keep a record of the number of disposable plastic bags the retail seller has purchased, been provided with, or otherwise acquired, and a record of the amount paid for disposable bags subject to this section that are provided to, or sold to, retail consumers on a monthly basis. A retail seller may retain three percent (3%) of the total collected amount of the disposable plastic bag fee as reimbursement for any costs associated with the administration and collection of the fee.

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

80  
81 D. On a monthly basis and as otherwise may be required by the Chief  
82 Financial Officer, all retail sellers required to collect the disposable plastic bag fee shall  
83 report and remit the total fees due to the Borough. Payments and receipts shall be  
84 reported on forms prescribed by the Borough's Chief Financial Officer. The Chief  
85 Financial Officer is authorized to adopt rules for the administration, payment, collection  
86 and enforcement of the fee imposed in this chapter.

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

93 8.12.039 **Local recycling program special revenue fund**

94 The local recycling program special revenue fund is hereby established. All  
95 funds received from the payment of the plastic bag fee shall be deposited into the local  
96 recycling program special revenue fund. Money in this account may be appropriated  
97 only to support Borough recycling efforts recommended by the Recycling Commission.  
98 Authorized expenditures from this fund, which may be expended by the Borough Mayor  
99 without further appropriation, are amounts used to support the voluntary program to  
100 reduce the use of disposable plastic bags and funds to make available to the public, for  
101 a reduced fee or free-of-charge, reusable shopping bags to the extent the Mayor  
102 determines that such programs will significantly reduce the costs associated with the  
103 recycling and disposal of plastic bags.  
104

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

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

110 "Disposable plastic bag" means a bag made of plastic to carry customer  
111 purchases from a store. It does not include: a compostable plastic bag; a bag used  
112 only to contain ice; bags used by customers inside stores to package bulk items such as  
113 fruit, vegetables, nuts, candy or small hardware items; bags used to contain or wrap  
114 frozen foods, meat or fish or flowers, or other items where dampness may be a  
115 problem; bags used to protect prepared foods or bakery goods; bags provided by  
116 pharmacists to contain prescription drugs; newspaper bags, door-hanger bags, laundry-  
117 dry cleaning bags, or bags sold in packages containing multiple bags intended for use  
118 as garbage, pet waste, or yard waste bags.

119 "Chief Financial Officer" means the Finance Director or any officer, agent or  
120 employee of the Borough designated to act on the Chief Financial Officer's behalf.  
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122 Section 4. Effective Date. This ordinance shall be effective at 5:00 p.m.  
123 of the first Borough business day following its adoption.

124  
125 PASSED AND APPROVED THIS \_\_\_\_ DAY OF \_\_\_\_\_ 2009.

126  
127 (DEFEATED)

128  
129 \_\_\_\_\_  
130 Nadine Winters  
131 Presiding Officer

132 ATTEST:

133  
134 (DEFEATED)

135 \_\_\_\_\_  
136 Mona Lisa Drexler, MMC  
137 Municipal Borough Clerk  
138

139 Ayes: Winters

140 Noes: Blanchard II, Brown, Beck, Stringer, Hopkins, Wilson, Sattley, Musick