

**Mayor**

James Kacsh

**Council Members**

Kristin Carpenter

Tim Joyce

Tom Bailer

Robert Beedle

Josh Hallquist

David Reggiani

James Burton

**City Manager**

Randy Robertson

**City Clerk**

Susan Bourgeois

**Deputy Clerk**

Tina Hammer

**Student Council**

Ashley Reece

Bhren Peña

**City Council Public Hearing  
City of Cordova, Alaska  
November 18, 2015 @ 6:45 pm  
Cordova Center Community Rooms A & B  
Agenda**



**A. Call to order**

**B. Roll call**

Mayor James Kacsh, Council members Kristin Carpenter, Tim Joyce, Tom Bailer, Robert Beedle, Josh Hallquist, David Reggiani and James Burton

**C. Public Hearing**

**1. Substitute Ordinance 1137..... (page 1 of reg mtg pckt)**

An ordinance of the City Council of the City of Cordova, Alaska, adopting Cordova Municipal Code Chapter 8.37 governing the use of non-biodegradable plastic carry-out bags and polystyrene foam disposable food service ware in the City of Cordova

**2. Ordinance 1138..... (page 5 of reg mtg pckt)**

An ordinance of the City Council of the City of Cordova, Alaska, amending section 6.12.040 of the Cordova Municipal Code regarding issuance of use permits for alcoholic beverages - consumption in public places

**D. Adjournment**

~ Happy Turkey Day Cordova ~ November 26, 2015 ~



**If you have a disability that makes it difficult to attend city-sponsored functions,  
You may contact 424-6200 for assistance.**

All City Council agendas and packets available online at [www.cityofcordova.net](http://www.cityofcordova.net)

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## A MEMO FROM SUSAN BOURGEOIS, CMC, CITY CLERK

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DATE: November 11, 2015  
TO: Mayor and City Council  
SUBJECT: Substitute Ordinance 1137

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Mayor Kacsh has researched other Codes and decided to mimic the Bethel Municipal Code in this, his proposed ordinance adopting City Code regarding the use of non-biodegradable plastic bags and polystyrene foam disposable food service ware. He asserts that although the Problem Solvers initially suggested a “seasonal” ban, he would prefer it be year round so as not to appear as a punishment to locals (i.e. year round Cordovans) only. Also, his suggestion is to allow a year for businesses and the public to become prepared for the change. Therefore, the ordinance effective date says 30 days after passage and publication or October 1, 2016 whichever is later.

Ordinance 1137 was discussed when it was before the Council at the October 7 Regular Meeting. At that time it was referred to staff so the City Attorney could review the ordinance and also could answer Council’s concern regarding enforcement of such a ban if it were to be adopted into City Code. The City Attorney has made a small edit to the ordinance which is why it is now titled “Substitute” Ordinance 1137. She added a definition of “plastic carry-out bag” as she has seen that has given other muni’s problems without a good definition of that term. City Attorney Holly Wells will be available for an executive session to discuss the enforcement issue with Council.

Substitute Ordinance was before Council for first reading at the November 4 regular meeting. It was approved 5-0 and is now before Council for public hearing and second reading.

Required action: Majority roll call vote or approval of the consent calendar on second reading.

**CITY OF CORDOVA, ALASKA  
SUBSTITUTE ORDINANCE 1137**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA ADOPTING  
CORDOVA MUNICIPAL CODE CHAPTER 8.37 GOVERNING THE USE OF NON-  
BIODEGRADABLE PLASTIC CARRY-OUT BAGS AND POLYSTYRENE FOAM DISPOSABLE  
FOOD SERVICE WARE IN THE CITY OF CORDOVA**

**WHEREAS**, it is in the best interest of the City of Cordova to limit the littering of the environment with non-biodegradable and environmentally hazardous materials; and

**WHEREAS**, it would be cost-effective for less of this type of waste to wind up in Cordova’s landfill; and

**WHEREAS**, the Cordova School District’s ‘*Future Problem Solvers*’ brought this topic to the attention of the City Council and the group is also interested in pursuing the overall diminished use of plastics in Cordova; and

**WHEREAS**, this ordinance is flexible in its wording by allowing for some exemptions.

**NOW, THEREFORE, BE IT ORDAINED**, by the City Council of the City of Cordova, Alaska, that:

Section 1. Cordova Municipal Code Chapter 8.37 is adopted to read as follows:

**Chapter 8.37 - PLASTIC BAGS AND POLYSTYRENE CONTAINERS**

Sections:

- 8.37.010 Definitions
- 8.37.020 Non-biodegradable plastic carry-out bags
- 8.37.030 Polystyrene foam disposable food service ware
- 8.37.040 Exemptions

**8.37.010 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.

“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 Cordova.

"Plastic carry-out bag" means a bag made from plastic that is not intended nor suitable for continuous reuse and that is less than 2.25 mils thick and is designed to carry customer purchases from a seller's premises, except for: bags marketed or labeled as "biodegradable" or "compostable," bags used by customers inside stores to package bulk items such as fruit, vegetables, nuts, grains, candy, or small hardware items, such as nails and bolts; bags used to contain dampness or leaks from items such as frozen foods, meat or fish, flowers or potted plants; bags used to protect prepared foods or bakery goods; bags provided by pharmacists to contain prescription drugs; newspaper bags, laundry or dry cleaning bags; or bags sold for consumer use off a seller's premises for such purposes as the collection and disposal of garbage, pet waste, or yard waste.

“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.

#### **8.37.020 Non-biodegradable plastic carry-out bags.**

A. Affected retail establishments, food vendors and nonprofit 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 nonprofit vendors from making recyclable paper bags available to customers.

C. Affected retail establishments, food vendors and nonprofit vendors are encouraged to provide incentives for the use of reusable bags through education and through credits or rebates for customers that use 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.

#### **8.37.030 Polystyrene foam disposable food service ware.**

A. Except as provided in CMC 8.37.040, 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.

### **8.37.040 Exemptions.**

A. Prepared food prepared or packaged outside the city of Cordova is exempt from the provisions of this chapter. Purveyors of food prepared or packaged outside the city of Cordova 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 manager 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 provisions of this chapter.

E. Emergency Supply and Service Procurement. In a situation deemed by the City Manager 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 2. This ordinance shall be effective thirty (30) days after its passage and publication or October 1, 2016, whichever date is later. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading: November 4, 2015  
2nd reading and public hearing: November 18, 2015

**PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF NOVEMBER, 2015**

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James Kacsh, Mayor

ATTEST:

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Susan Bourgeois, CMC, City Clerk

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## A MEMO FROM SUSAN BOURGEOIS, CMC, CITY CLERK

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DATE: November 11, 2015  
TO: Mayor and City Council  
SUBJECT: Ordinance 1138

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With the opening of the Cordova Center and the multiple bookings of late, we have seen a glitch in the smooth transition to the fully functioning conference and event venue that the Center will be for the City of Cordova. Council has determined that it is too time intensive to continually bring use permits regarding this Code section to them for approval. Council directed staff to bring forward an ordinance to remedy this glitch. Ordinance 1138 is before the Council tonight and it should do exactly that. The City Manager or his designee will be responsible for the use permit that except's the Cordova Center from the provision in 6.12.030.

This ordinance sees a slight edit from first reading but is not substantial enough to require another first reading. Tonight it is before Council for a public hearing, second reading and final approval.

Required action: Majority roll call vote or approval of the consent calendar on second reading.

**CITY OF CORDOVA, ALASKA  
ORDINANCE 1138**

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF CORDOVA, ALASKA, AMENDING  
SECTION 6.12.040 OF THE CORDOVA MUNICIPAL CODE REGARDING ISSUANCE OF USE  
PERMITS FOR ALCOHOLIC BEVERAGES – CONSUMPTION IN PUBLIC PLACES**

**WHEREAS**, the Cordova Center is currently booking events such as conferences, concerts, weddings, etc.; and

**WHEREAS**, the consumption of alcoholic beverages at such events is customary, expected by the sponsoring entity, and enhances the marketability of the Cordova Center; and

**WHEREAS**, it has become impractical to have the City Council except by use permit the Cordova Center from the provisions of 6.12.030 each time an event is scheduled.

**BE IT ORDAINED** by the City Council of the City of Cordova, that:

Section 1. Section 6.12.040 of the Cordova Municipal Code is hereby amended as follows:

6.12.030 - Alcoholic beverages—Consumption in public places.

A. It is unlawful for any person to consume any alcoholic beverage on any public street, alley or highway within the city limits or in or upon the grounds of any city building or property, except as permitted by ordinance, use permit or regulation.

B. It is unlawful for any person to possess any open bottle, can, or other receptacle, containing any alcoholic beverage on any public street, sidewalk or alley within the city limits or in or upon the grounds of any municipal building or property, except as permitted by ordinance, use permit or regulation.

C. The city council is authorized to designate public areas and places within the city limits, in addition to those specified in subsection A and B of this section, in which the consumption of alcoholic beverages or possession of open alcoholic beverage containers is prohibited, and to cause signs to be posted in such areas or places advising members of the public of the prohibition.

6.12.040 - Exceptions.

A. The city council is authorized by use permit to except any public street, alley, highway, city building or city property from Section 6.12.030.

**B. The city manager or his designee is authorized by use permit to except special events at the Cordova Center from Section 6.12.030.**

Section 2. This ordinance shall be effective thirty (30) days after its passage and publication. This ordinance shall be enacted in accordance with Section 2.13 of the Charter of the City of Cordova, Alaska, and published within ten (10) days after its passage.

1st reading: November 4, 2015  
2nd reading and public hearing: November 18, 2015

**PASSED AND APPROVED THIS 18<sup>th</sup> DAY OF NOVEMBER, 2015**

\_\_\_\_\_  
James Kacsh, Mayor

Attest:

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Susan Bourgeois, CMC, City Clerk

**[ADDED LANGUAGE BOLD AND UNDERLINED, REMOVED LANGUAGE STRICKEN OUT]**