

**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.

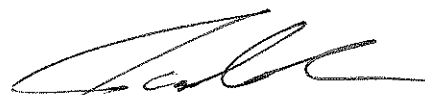
E. Emergency Supply and Service Procurement. In a situation deemed by the City Manager to be an emergency, for the immediate preservation of the public peace, health or safety, city facilities, food vendors, contractors and vendors doing business with the city shall be exempt from the provisions of this 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 18th DAY OF NOVEMBER, 2015




James Kacsh, Mayor

ATTEST:


Susan Bourgeois, CMC, City Clerk