

ALGAACIQ TRIBAL GOVERNMENT
P.O. BOX 48
ST. MARY'S, AK 99658
Phone (907) 438-2932 Fax (907) 438-2227

RESOLUTION 99-13

**A RESOLUTION TO ENCOURAGE THE CITY COUNCIL OF ST. MARY'S TO
PASS AN ORDINANCE PROHIBITING THE USE OF PLASTIC SHOPPING
BAGS AND SALE OF STYROFOAM PRODUCTS WITHIN THE MUNICIPAL
BOUNDARYS**

WHEREAS; the Algaaciq Tribal Government is a federally recognized governing body for the Native Village of St. Mary's; and

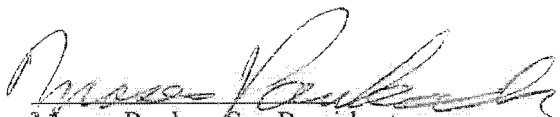
WHEREAS; the Algaaciq Tribal Council passed a resolution 99-13 to ban the use of plastic shopping bags and the sale of Styrofoam products from business; and

WHEREAS; Styrofoam products and plastic bags are harmful to the wildlife and the environment; and


WHEREAS; it was recommended at the Environmental Regional Summit in Mtn. Village held on 4-7 May 1999 that tribal government introduce a Ordinance prohibiting such use and sales in the communities.

NOW THEREFORE BE IT RESOLVED THAT: Algaaciq Tribal Government encourages the St. Mary's City Council to pass a Resolution to ban the use of plastic shopping bags and sale of Styrofoam products within the City limits.

Passed and approved this 21st day of Sept., 1999 during a regular meeting of which 5 voted for, 0 voted against, and 0 abstained.


Moses Paukan Sr., President

ATTEST:


Marcia Beans, Secretary

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CITY OF ST. MARY'S

PO Box 209
St. Mary's, Alaska 99658

ORDINANCE 99-02 (SUBSTITUTE)

AN ORDINANCE AMENDING ST. MARY'S CODE OF ORDINANCES TO ADD CHAPTER 7.15 TO PROHIBIT CERTAIN USES OF PLASTIC BAGS AND ESTABLISHING A PENALTY FOR VIOLATIONS

BE IT ORDAINED AND ENACTED BY THE CITY OF ST. MARY'S:

Section 1. The City Council hereby makes the following findings of fact: The City of St. Mary's operates a sanitary landfill for the benefit of the residents of St. Mary's. For the most part, the landfill meets the needs of our residents. However, the area surrounding the landfill has become littered with blown trash. Over 90% of this trash consists of plastic grocery bags and deli bags from the local stores. The bags are difficult to remove, and constitute pollution that will last for years once the bags are stuck in the tundra shrubbery. Repeated requests to local stores to voluntarily stop the use and distribution of these bags have met with no success. Furthermore, the Council has received numerous complaints from local residents, landowners, and the landfill lessor to stop the use of these bags. Therefore, the Council finds it necessary to prohibit the use of these bags through ordinance.

Section 2. St. Mary's Code of Ordinances is hereby amended by the addition of a new Chapter 7.15, entitled Plastic Bag Litter Control, to read as follows:

7.15.10 - Plastic bags - uses prohibited

- A. It is unlawful for a merchant to use plastic carry out bags or to provide or offer plastic carry out bags for a customer's use.
- B. It is unlawful for any person to use a plastic carry out bag as a container for waste to be disposed of at the city landfill.
- C. As used in this chapter, "carry out bag" means a bag into which merchandise or goods are placed for the purpose of carrying the merchandise or goods out of a merchant's place of business.

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7.15.20 - Penalties

A violation of this chapter is punishable by a fine not to exceed \$100 per offense. Each plastic carry out bag used, provided, or offered for use, shall constitute a separate offense.

Section 3. If any clause, sentence, paragraph, section, or portion of this ordinance for any reason is adjudged to be invalid by a court of competent jurisdiction, such judgment shall not affect, impair, or invalidate the remainder of this ordinance, but shall be confined in its operation to the clause, sentence, paragraph, section, or portion of this ordinance directly involved in the controversy in which the judgment is rendered.

Section 4. Section 2 of this ordinance is of a permanent and general character and shall be included in the Code of Ordinances.

Section 5. In addition to any fine or other penalty prescribed by law, a defendant who pleads guilty or nolo contendere to, forfeits bail for, or is convicted of violating this ordinance or any rule or regulation adopted or issued in pursuance thereof shall be assessed a surcharge in the amount, if any, prescribed by AS 12.55.039. The surcharge shall be collected as provided in AS 12.55.039 and AS 29.25.075. The failure to pay the surcharge is punishable as contempt of court as provided in AS 12.55.039

Section 6. This ordinance shall take effect on ^{June}~~January~~ 1, 2000.

ADOPTED BY THE CITY COUNCIL OF THE CITY OF ST. MARY'S, ALASKA, this ____ day of _____, 1999.

CITY OF ST. MARY'S

Mayor

ATTEST:

City Clerk

Introduced:

First Reading:

Public Hearing:

Date of Adoption: