

CITY OF STEAMBOAT SPRINGS, COLORADO

ORDINANCE NO. 2789

AN ORDINANCE AMENDING CHAPTER 19, ARTICLE IV, SECTIONS 203 AND 204 TO THE STEAMBOAT SPRINGS REVISED MUNICIPAL CODE, PERTAINING TO THE RETENTION OF FEES FOR DISPOSABLE BAGS; PROVIDING AN EFFECTIVE DATE AND REPEALING ALL CONFLICTING ORDINANCES.

WHEREAS, the City Council adopted Ordinance No. 2699 in 2019 which banned the use of plastic bags and imposed a fee on disposable bags beginning October 1, 2019; and

WHEREAS, the Ordinance and efforts to educate the public and supply reusable bags has been effective in dramatically reducing the use of plastic bags in Steamboat Springs; and

WHEREAS, the City Council and Staff has conducted a one year review of the program initiated by the ordinance and found that Markets have either not retained their portion of the Waste Reduction Fee or not reported their use of retained funds as anticipated by the ordinance; and

WHEREAS, the City Council finds that after one year of the ordinance in place, the ordinance is being implemented effectively and community and visitors understand the importance of bringing reusable bags to the Markets; and

WHEREAS, the City Council wishes to streamline Waste Reduction Fee remittance and intends to use the any additional revenues for the purposes permitted by Section 19-204.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF STEAMBOAT SPRINGS, COLORADO:

Section 1. Chapter 19, Article IV, Sections 203 and 204 of the City of Steamboat Springs Revised Municipal Code shall be amended to read as follows:

Sec. 19-203 Voluntary Opt In Any store or business may voluntarily opt in to the Waste Reduction Program and apply the ban and Waste Reduction Fee to its business by applying with the City of Steamboat Springs City Manager’s office and consenting to abide by the terms of this Article. Any store or business voluntarily opting in is not required to remit any portion of the Waste Reduction Fee back to the City under section 204 below, but will agree to use the fee exclusively to provide training for staff, provide educational information for customers regarding the Waste Reduction Fee, encourage the use of reusable bags, and provide reusable bags free of cost to customers.

Sec. 19-204 Retention, ~~r~~ Remittance, and transfer of the Waste Reduction Fee

~~(a) A Market may retain 25% of each Waste Reduction Fee collected.~~

~~———— (b) The retained percent is limited to allowable use for the Market to:~~

~~(1) Provide educational information about the Waste Reduction Fee and reusable bags free of cost to customers;~~

~~(2) Provide required signage regarding the fee;~~

~~(3) Train staff in the implementation and administration of the fee;~~

~~(4) Improve or alter infrastructure to allow for the implementation, collection, and administration of the fee;~~

~~(5) Collect, account for, and remit the fee to the city;~~

~~(6) Develop and display informational signage to inform consumers about the fee; and~~

~~(7) Provide and encourage the use of reusable bags.~~

~~(c) The portion of the fees retained by a Market or an opt in store or business pursuant to this ordinance shall not be classified as revenue for the purposes of calculating sales tax;~~

~~(ad)~~ The remaining portion of each Waste Reduction Fee collected by a Market shall be paid to the City of Steamboat Springs Finance Department and shall be deposited in the Waste Reduction and Recycling Account.

~~(be)~~ A Market shall pay and the City of Steamboat Springs shall collect all Waste Reduction Fees at the same time as the City Sales Tax. The City shall provide the necessary forms for Markets to file individual returns with the City, separate from the required City Sales Tax forms, to demonstrate compliance with the provisions of this ordinance.

(1) If payment of any amounts to the City is not received on or before the applicable due date, penalty and interest charges shall be added to the amount due as described in Section 19-207.

~~(cf)~~ The Waste Reduction Fee shall be administered by the City of Steamboat Springs City Manager's office.

~~(dg)~~ Funds deposited in the Waste Reduction and Recycling Account shall be used for the following projects:

(1) Campaigns conducted by the City of Steamboat Springs or a contractor retained by the City and begun within 365 days of the effective date of this act, to:

(A) Provide reusable carryout bags to residents and visitors; and

(B) Educate residents, businesses, and visitors about the impact of trash on the City's environmental health, the importance of reducing the number of disposable carryout bags entering the waste stream, and the impact of disposable carryout bags on the waterways and the environment.

(2) Ongoing campaigns conducted by the City of Steamboat Springs or a contractor retained by the City to:

- (A) Provide reusable bags to both residents and visitors; and
- (B) Create public educational campaigns to raise awareness about waste reduction and recycling;
- (C) Funding programs and infrastructure that allows the Steamboat Springs community to reduce waste and recycle;
- (D) Purchasing, installing, operating and maintaining equipment designed to minimize trash pollution, including, recycling containers, and waste receptacles;
- (E) Funding community cleanup events and other activities that reduce trash;
- (F) Maintaining a public website that educates residents on the progress of waste reduction efforts; and
- (G) Paying for the administration of this program.

~~(e)~~ No Waste Reduction Fee collected in accordance with this ordinance shall be used to supplant funds appropriated as part of an approved annual budget.

~~(f)~~ No Waste Reduction Fee collected in accordance with this ordinance shall revert to the General Fund at the end of the fiscal year, or at any other time, but shall be continually available for the uses and purposes set forth in Subsection (g) of this Section without regard to fiscal year limitation.

~~(j) Businesses that do not meet the definition of Market in Section 19-200, but who wish to voluntarily opt in to the program under Section 19-203 are not required to remit any portion of the Waste Reduction Fee back to the City, but will agree to use the fee exclusively for the purposes listed in part (b) above.~~

Section 2. The City Council hereby finds, determines and declares that this ordinance is necessary for the immediate preservation of the public peace, health and safety.

Section 3. Pursuant to Section 7-11 of the Charter of the City of Steamboat Springs, Colorado, the second publication of this ordinance may be by reference, utilizing the ordinance title.

Section 4. This ordinance shall take effect immediately upon the expiration of five (5) days from and after the final date of publication, as provided by Section 7.6(h) of the Steamboat Springs Home Rule Charter.

Section 5. All ordinances heretofore passed and adopted by the City Council of the City of Steamboat Springs, Colorado, are hereby repealed to the extent that said ordinances, or parts thereof, are in conflict herewith.

Section 6. A public hearing on this ordinance shall be held on January 5, 2021 at 5:00 P.M. remotely via zoom at <https://us02web.zoom.us/j/985289877> and telephone: Dial 1-888-475-4499 (US toll-free), Enter Meeting ID: 985 289 877.

INTRODUCED, READ AND ORDERED PUBLISHED, as provided by law, by the City Council of the City of Steamboat Springs, at its regular meeting held on the 15th day of December, 2020.

Jason Lacy

**Jason Lacy, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin

**Julie Franklin
City Clerk**

FINALLY READ, PASSED AND APPROVED this 5th day of January, 2021.

Jason Lacy

**Jason Lacy, President
Steamboat Springs City Council**

ATTEST:

Julie Franklin

**Julie Franklin
City Clerk**

Signature: Jason Lacy
Jason Lacy (Jan 6, 2021 12:18 MST)

Email: jlacy@steamboatsprings.net

Signature: Julie Franklin
Julie Franklin (Jan 6, 2021 13:56 MST)

Email: jfranklin@steamboatsprings.net









2789_Ch19_sections_203_204_DISPOSABLE BAG

Final Audit Report

2021-01-06

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