



Legislation Text

File #: 20-295, **Version:** 2

An ordinance creating a new Article 15 (single use plastic bag fees) of Chapter 6 (neighborhood vitality/community health) of the Code of the City of Colorado Springs 2001, as amended, pertaining to the imposition and collection of a ten cent (\$0.10) fee on single use plastic bags and providing for penalties and remedies for the violation thereof

Presenter:

Councilmember, Yolanda Avila

Summary:

This ordinance is a companion piece of legislation that would govern the single use plastic bag fee program if passed by the voters at the November 2020 election. A single use plastic bag fee can help to reduce the use of single use plastic and associated litter and waste issues by encouraging consumers to bring their own reusable bags. By encouraging the use of reusable bags the City can mitigate the long term effects of disposable bags and single-use products on the City's drainage and stormwater system, transportation system, wildlife, and environment.

Background:

UPDATE FOR AUGUST 11, 2020 REGULAR MEETING:

At the June 22, 2020 Council Work Session, the City Attorney's Office was directed to remove the criminal penalties associated with the ordinance. The criminal penalties provisions have since been removed and civil remedies similar to the City's sales tax code remedies remain in place.

During the Work Session, there was discussion regarding exemptions for the single use plastic bag fee, which are listed at section 6.15.106. One (1) Councilmember asked to remove an exception to the plastic bag fee for people providing evidence that he or she is a participant in a federal or state food assistance program. This exception has been removed from the attached "Option 2". The exception for people providing evidence as a participant in a federal or state food assistance program remains in Councilmember Avila's preferred version of the ordinance, which is attached as "Option 1".

Finally, a sunset provision limiting the effective term of the fee was briefly discussed at the Work Session as well. If Council decides to impose a sunset clause upon a motion for referral of the item to the ballot, staff is prepared to include that provision in the referral resolution and the ordinance containing the Code provisions.

INFORMATION FOR JUNE 22, 2020 COUNCIL WORK SESSION:

If the referred item is successful in the November 2020 election, beginning July 1, 2021, retail stores will sell single use plastic carryout bags to customers for ten cents (\$0.10) per bag. Bag fees would be split sixty percent (60%) to the City and forty percent (40%) to the store. The City would use the

bag fees for administrative costs, funding clean up events in the City's parks, rights-of way and other public properties, educational activities related to the environment, programs and infrastructure to reduce waste, and mitigation of the effects of waste in the City's public spaces. The store would use the fees for the purposes set forth in the Code provisions, including educational efforts related to the fee, administration and signage.

The single use plastic bag fee is a necessary funding source to address the environmental problems associated with single use plastic bags and to relieve City taxpayers of the costs imposed upon the City associated with the use of single use plastic bags. The City Council intends that the requirements of this article will assist in offsetting the costs associated with using single use plastic bags to pay for the cleanup, mitigation, educational, replacement, and administrative efforts of the City.

Previous Council Action:

N/A

Financial Implications:

N/A

City Council Appointed Board/Commission/Committee Recommendation:

N/A

Stakeholder Process:

Outreach to local citizens who have expressed concerns regarding trash within the City of Colorado Springs

Meetings with City of Colorado Springs staff to identify programs and areas of concern

Meetings with City Council Members to review proposed legislation

Meeting with Chief of Staff

Council Work Session

Town Hall Meeting Hosted by Councilmember Avila for interested citizens and businesses

Alternatives:

City Council could choose not to adopt the ordinance and corresponding resolution referring the ordinance to the voters.

Proposed Motion:

Approve an ordinance creating a new Article 15 (Single Use Plastic Bag Fees) of Chapter 6 (Neighborhood Vitality/Community Health) of the Code of the City of Colorado Springs 2001, as amended) pertaining to the imposition and collection of a ten cent (\$0.10) fee on single use plastic bags and providing for penalties and remedies for the violation thereof.

An ordinance establishing a ten cent (\$0.10) fee on single use plastic bags in retail stores beginning

on July 1, 2021, intended for administrative costs, funding clean up events in the City's parks, rights-of way and other public properties, educational activities related to the environment, programs and infrastructure to reduce waste, and mitigation of the effects of waste in the City's public spaces.