

ORDINANCE NO. 2018 - 07

ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, PROHIBITING THE USE OF CERTAIN PLASTIC BAGS AND ENCOURAGING CITIZENS TO CURTAIL THEIR USE OF SINGLE-USE PLASTICS

RECITALS

A. WHEREAS, the Town of Ridgway (the "Town") is a legally created, established, organized and existing Colorado municipal corporation under the provisions of Article XX of the Constitution of the State of Colorado and the Home Rule Charter of the Town (the "Charter"); and

B. WHEREAS, the Town is governed by its Home Rule Charter ("Charter") as authorized by Article XX § 6 of the Colorado Constitution; and

C. WHEREAS, it is the purpose of the Town Council to attempt to protect the health, safety and welfare of its citizens; and

D. WHEREAS, the Town supports efforts to reduce the amount of land-fill waste; and

E. WHEREAS, the use of single-use disposable plastics such as bags, straws, coffee stirrers, soda and water bottles have severe negative impacts on the environment, both on a local and global scale, including contributing to greenhouse gas emissions, litter, atmospheric acidification, water consumption and solid waste generalization, and harming wildlife; and

F. WHEREAS, the Town Council wishes to encourage its citizens to limit their use of disposable single-use plastics; and

G. WHEREAS, the Town Council desires to prohibit the use of certain plastic bags, which is necessary to address the environmental problems associated with disposable bags.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF RIDGWAY, COLORADO, THAT:

SECTION 1. RECITALS.

The foregoing recitals are hereby affirmed and incorporated herein by this reference as findings of the Town Council.

SECTION 2. AMENDMENT TO THE TOWN CODE.

The following sections shall be added creating Chapter 12, Section 12-3 Bag Restrictions of the Town of Ridgway Municipal Code:

12-3-1 DEFINITIONS.

The following terms used in this Section have the following meanings unless the context clearly indicates otherwise:

(A) *Business* means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations or any other legal entity whether for profit or not for profit and including all employees of the Business and any independent contractors associated with the Business.

Business does not include vendors at temporary or special events.

(B) *Disposable Plastic Bag* means a bag made from non-compostable plastic provided by a Business to a customer at a point of sale for the purpose of transporting goods.

Disposable Plastic Bag does not include:

- (1) Newspaper bags, laundry/dry cleaning bags, or bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste or yard waste.

(C) *Non-permitted Paper Bag* means a paper bag provided by a Business to a customer at the point of sale for the purpose of transporting goods, which does not meet the standards of a "Permitted Paper Bag."

(D) *Permitted Paper Bag* means a paper bag provided by a Business to a customer at the point of sale for the purpose of transporting goods, which meets all of the following requirements:

- (1) The bag is manufactured from a minimum of 40% recycled content; and
- (2) The bag is 100% recyclable.

(E) *Reusable Carryout Bag* means a bag that:

- (1) is designed and manufactured to withstand repeated uses over a period of time;
- (2) is made from a material that can be cleaned and disinfected regularly;
- (3) is at least two and one-fourth (2.25) mils thick, if made from plastic; and
- (4) has the capability of carrying a minimum of eighteen (18) pounds.

12-3-2 TOWN-WIDE PROHIBITION ON DISPOSABLE PLASTIC BAGS

Effective March 1st, 2019, Disposable Plastic Bags and Non-permitted Paper Bags shall not be sold or distributed, retail or wholesale, within Town limits by any Business. Businesses, citizens of the Town, and consumers within the Town are encouraged to use Reusable Carryout Bags or Permitted Paper Bags.

12-3-3 VIOLATIONS AND PENALTIES

(A) Any Person and/or Business, upon conviction of any violation of any provision of this Chapter 12, Section 3, shall be cited and subject to the Administrative Enforcement of the Ridgway Municipal Code, pursuant to Chapter 2, Section 4 of the Code, and penalty assessment under Section 2-4-13 of the Ridgway Municipal Code.

(B) No more than one (1) penalty shall be imposed upon a Person and/or Business within any seven (7) day period.

SECTION 3. SINGLE-USE PLASTICS

With the adoption of this Ordinance prohibiting the use of Disposable Plastic Bags and Non-permitted Paper Bags, the Town Council further encourages all of its citizens to limit or curtail their use of single-use plastics or disposable plastics such as straws, coffee stirrers, soda bottles, water bottles, cups, utensils and food packaging. The Town Council may consider a further ban on additional single-use plastics.

SECTION 4. ORDINANCE EFFECT

All Ordinances of the Town, or parts thereof, inconsistent or in conflict with this Ordinance are hereby repealed, replaced and superseded to the extent only of such inconsistency or conflict.

SECTION 5. SEVERABILITY

The Provisions of this Ordinance are severable, and the invalidity of any section, phrase, clause or portion of this Ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of this Ordinance.

SECTION 6. EFFECTIVE DATE.

This Ordinance shall take effect on March 1st, 2019.

SECTION 7 PUBLIC HEARING.

A public hearing on this Ordinance was held on the 14th day of November, 2018, and the 12th day of December, 2018 in the Town Council Chambers, 201 N. Railroad Street, Ridgway, CO 81432.

INTRODUCED, READ AND REFERRED to public hearing before the Town Council of the Town of Ridgway, Colorado, on the 10th day of October, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME
RULE MUNICIPALITY

By: _____
JOHN CLARK, Mayor

ATTEST:

PAM KRAFT, Town Clerk

HEARD AND FINALLY ADOPTED by the Town Council of the Town of Ridgway, Colorado, this 12th day of December, 2018.

TOWN OF RIDGWAY, COLORADO, A HOME
RULE MUNICIPALITY

By: _____
JOHN CLARK, Mayor

ATTEST:

PAM KRAFT, Town Clerk

Approved as to Form:

BO JAMES NERLIN, Town Attorney