

**TOWN OF MEAD, COLORADO  
ORDINANCE NO. 1047**

**AN ORDINANCE OF THE TOWN OF MEAD, COLORADO, ADOPTING A NEW ARTICLE VII OF CHAPTER 6 OF THE *MEAD MUNICIPAL CODE* ESTABLISHING THE TOWN'S PROCESS FOR ACCEPTING REMITTED CARRYOUT BAG FEES UNDER C.R.S. § 25-17-505**

**WHEREAS**, the Town of Mead ("Town") is a Colorado municipality authorized to enact regulations to protect the public health, safety, and welfare; and

**WHEREAS**, the Plastic Pollution Reduction Act was passed by the Colorado General Assembly and enacted as law on July 06, 2021, and amended by House Bill 23-1285 (the "Act"); and

**WHEREAS**, the Act requires a store, as defined in the Act, to collect a fee of ten cents (\$0.10) for each recycled paper carryout bag and single-use plastic carryout bag that is provided by the store to a customer from the customer that is being provided the carryout bag at the point of sale (the "carryout bag fee"); and

**WHEREAS**, the Act requires each store located within the boundaries of the Town to remit to the Town on a quarterly basis sixty percent (60%) of the carryout bag fees collected by the store in the previous quarter; and

**WHEREAS**, the Act allows a store to retain and use one hundred percent (100%) of the carryout bag fee if the Town has not established a process to accept the sixty percent (60%) portion of the carryout bag fees that the store is required to remit to the Town on a quarterly basis; and

**WHEREAS**, the Act authorizes the Town to enforce a violation of the Act against a store that is located within the boundaries of the Town in the manner that the Town chooses; and

**WHEREAS**, the Town has not established a process to accept remitted carryout bag fees prior to the date of this ordinance; and

**WHEREAS**, the Town's Board of Trustees desires to establish and codify the Town's process for accepting carryout bag fees to be remitted by stores to the Town and the manner of enforcing the collection and remittance of carryout bag fees; and

**WHEREAS**, the Town's Board of Trustees wishes to authorize the Town Manager or designee to: (1) finalize an informational summary regarding the state's carryout bag fees and the Town's remittance requirements applicable to said fees (the "Summary"); (2) update the Summary as necessary, conditioned on the review and approval of the Town Attorney; and (3) update the Town's designated Bag Fee Remittance Form as necessary.

**NOW THEREFORE, BE IT ORDAINED** by the Board of Trustees of the Town of Mead, Weld County, Colorado, that:

**Section 1. Recitals Incorporated.** The recitals contained above are incorporated herein by reference and are adopted as findings and determinations of the Board of Trustees.

**Section 2.** Chapter 6 of the Mead Municipal Code is hereby amended to add Article VII, to read in full as follows:

## **ARTICLE VII - Carryout Bag Fees**

### **Sec. 6-7-10. – Intent; purpose.**

This Article establishes the process of the Town to accept carryout bag fees remitted by stores located within the boundary of the Town pursuant to Part 5 of Article 17 of Title 25, C.R.S., as amended (“Plastic Pollution Reduction Act”) and establishes penalties for noncompliance with the provisions of this Article.

### **Sec. 6-7-20. – Definitions.**

For purposes of this Article, the definitions of words contained herein shall be as defined in Section 25-17-503, C.R.S., as amended, and such definitions are incorporated into this Article.

### **Sec. 6-7-30. – Store carryout bag fee collection and remittance duties.**

(a) A store shall have the duty to collect from each customer a carryout bag fee according to the Plastic Pollution Reduction Act for each recycled paper carryout bag and single-use plastic carryout bag that is provided by a store to a customer at the point of sale.

(b) For each carryout bag fee collected, the store shall remit sixty percent (60%) to the Town and retain forty percent (40%).

### **Sec. 6-7-40. – Carryout bag fee collection and remittance process.**

(a) Commencing on January 1, 2024, a store shall collect the carryout bag fees on a calendar quarterly basis and shall remit the collected carryout bag fees to the Town on or before the 20th day of the month following the end of each calendar quarter, subject to any exception or exemption as provided by the Plastic Pollution Reduction Act.

- (1) First Calendar Quarter: Includes the months of January, February, and March. Remittance of sixty percent (60%) of the carryout bag fees collected during the First Calendar Quarter are due by April 20 of that year.
- (2) Second Calendar Quarter: Includes the months of April, May, and June. Remittance of sixty percent (60%) of the carryout bag fees collected during the Second Calendar Quarter are due by July 20 of that year.
- (3) Third Calendar Quarter: Includes the months of July, August, and September. Remittance of sixty percent (60%) of the carryout bag fees collected during the Third Calendar Quarter are due by October 20 of that year.
- (4) Fourth Calendar Quarter: Includes the months of October, November, and December. Remittance of sixty percent (60%) of the carryout bag fees collected during the Fourth Calendar Quarter are due by January 20 of the following year.

(b) A store need not remit carryout bag fees collected in any calendar quarter if the total amount of the collected fees is less than twenty dollars (\$20.00). The store may retain those collected fees until the store has more than twenty dollars’ (\$20.00) worth of collected fees to remit and shall remit those fees to the Town as part of the next quarterly remittance.

**Sec. 6-7-50. – Carryout bag fee remittance form.**

A store’s quarterly remittance shall be made utilizing the Town’s designated Bag Fee Remittance Form, which is available on the Town’s website.

**Sec. 6-7-60. – Violations and penalty.**

(a) It shall be a violation of this Chapter for any store to fail to collect carryout bag fees or to fail to remit sixty percent (60%) of the collected fees to the Town as required by the Plastic Pollution Reduction Act and in accordance with the procedures set out in this Article.

(b) Violations of the provisions of this Article shall be noncriminal offenses and punishable in accordance with Section 1-4-20 of this Code.

**Section 3. Effective Date.** This ordinance shall be published and become effective as provided by law. The amendments to the *Mead Municipal Code* set forth in this Ordinance will be enforced on and after January 1, 2024.

**Section 4. Authorization to finalize summary and update the Bag Fee Remittance Form.** The Board of Trustees authorizes the Town Manager or designee to finalize an informational summary regarding the state’s carryout bag fees and the Town’s remittance requirements applicable to said fees (the “Summary”). The Summary shall be posted and maintained on the Town’s website. Conditioned on the review and approval of the Town Attorney, the Town Manager or designee shall be authorized to update the Summary from time to time as necessary to incorporate future amendments to the Act or other changes to the Town’s bag fee acceptance methodology or remittance requirements. The Town Manger or designee shall also be authorized to update the Town’s Bag Fee Remittance Form.

**Section 5. Remaining provisions.** Except as specifically amended hereby, all other provisions of the *Mead Municipal Code* (“MMC”) shall continue in full force and effect.

**Section 6. Codification Amendments.** The codifier of the MMC is hereby authorized to make such numerical, technical and formatting changes as may be necessary to incorporate the provisions of this Ordinance within the MMC.

**Section 7. Severability.** If any part, section, subsection, sentence, clause or phrase of this ordinance is for any reason held to be invalid, such invalidity shall not affect the validity of the remaining sections of the Ordinance. The Board of Trustees hereby declares that it would have passed the ordinance including each part, section, subsection, sentence, clause or phrase thereof, irrespective of the fact that one or more part, section, subsection, sentence, clause or phrase is declared invalid.

**Section 8. Repealer.** All ordinances or resolutions, or parts thereof, in conflict with this ordinance are hereby repealed, provided that such repealer shall not repeal the repealer clauses of such ordinance nor revive any ordinance thereby.

**Section 9. Certification.** The Town Clerk shall certify to the passage of this ordinance and make not less than one copy of the adopted Code available for inspection by the public during regular business hours.

**INTRODUCED, READ, PASSED, AND ADOPTED THIS 27<sup>th</sup> DAY OF NOVEMBER, 2023.**

**ATTEST:**

**TOWN OF MEAD:**

By: \_\_\_\_\_  
Mary E. Strutt, MMC, Town Clerk

By: \_\_\_\_\_  
Colleen G. Whitlow, Mayor