



## Agenda Item Summary

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MEETING DATE: November 27, 2023

SUBJECT: **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

PRESENTED BY: Mary E. Strutt, Administrative Services Director

THROUGHT: Marcus McAskin, Town Attorney

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### SUMMARY

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Ordinance No. 1047 (the “Ordinance”) adopts a new Article VII in Chapter 6 of the Town of Mead Municipal Code (the “Code”) to establish a process for the Town to accept carryout bag fees to be remitted by stores in the Town in accordance with the Plastic Pollution Reduction Act, codified as C.R.S. § 25-17-501 et seq. (the “Act”). The Ordinance is attached to this AIS as **Attachment A**.

The Act requires any store, as defined in the Act, to collect a fee of ten cents (\$0.10) from customers for each recycled paper carryout bag and single-use plastic carryout bag that is provided by the store to customers at the point of sale. The Act also requires stores to remit sixty percent (60%) of the fees to the municipality within which the store is located on a quarterly basis. However, stores are allowed 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 remitted by stores.

The Ordinance establishes the Town’s process for accepting remitted carryout bag fees to comply with the Act and makes it a violation of the Code for a store to fail to collect or remit carryout bag fees. Starting January 1, 2024, stores located in the Town will be required to collect the carryout bag fees on a calendar quarterly basis and 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. A store’s quarterly remittance will be made utilizing the Town’s designated Bag Fee Remittance Form, attached to this AIS as **Attachment B**.

The Town’s Bag Fee Remittance Form will be available on the Town’s website. The Ordinance authorizes the Town Manger to update the Town’s Bag Fee Remittance Form, if and as needed.

Staff has also prepared an informational summary regarding the Act, including the state’s carryout bag fee requirements and the Town’s remittance process for the fees (the “Summary”). A copy of the Summary is attached to this AIS as **Attachment C**. The Summary will also be posted and maintained on the Town’s website. The Ordinance authorizes the Town Manager or designee to: (1) finalize the Summary and (2) update the Summary as necessary to incorporate future amendments to the Act or other changes to the Town’s bag fee acceptance methodology, conditioned on the review and approval of the Town Attorney.

## FINANCIAL CONSIDERATIONS

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Under C.R.S. § 25-17-505, the Town must use the remitted fees to pay for: (1) its administrative and enforcement costs incurred as a result of the Act; and (2) any recycling, composting, or other waste diversion programs and related outreach and education activities. Remitted fees to the Town are expected to be nominal in 2024.

## STAFF RECOMMENDATION/ACTION REQUIRED

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A motion to approve the November 27, 2023, Consent Agenda will approve this item. If the ordinance is removed from the consent agenda, the suggested motion is:

### Suggested motion:

“I move to adopt 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.”

## ATTACHMENTS

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Attachment A - Ordinance No. 1047

Attachment B - Bag Fee Remittance Form

Attachment C - Mead Bag Fee Website Information Summary