

CITY OF WOODLAND PARK NOTICE OF PUBLIC HEARING

Public Hearing on Ordinance No. 1444, Series 2023, will be held on April 6, 2023 at 7:00 PM. The aforesaid Ordinance was posted on the City’s website March 16, 2023 prior to the City Council meeting, passed on first reading March 16,2023 ordered published, as required by Section 7.6 of the Charter of the City of Woodland Park.

**CITY OF WOODLAND PARK, COLORADO
ORDINANCE NO. 1445
(Series of 2023)**

**AN ORDINANCE OF THE CITY COUNCIL FOR THE CITY OF WOODLAND PARK,
COLORADO ADOPTING THE PLASTIC POLLUTION REDUCTION ACT AND
ESTABLISHING PENALTIES FOR VIOLATING THE ACT**

WHEREAS, the City of Woodland Park, Colorado (the “City”) has been duly organized and is validly existing as a home rule city under the Colorado Constitution and the home rule charter of the City; and

WHEREAS, the Colorado legislature adopted House Bill 21-1162, the Plastic Pollution Reduction Act (“the Act”), which imposes a ten cent (\$0.10) per bag fee on plastic and paper carryout bags beginning January 1, 2023; and

WHEREAS, the Act provides that Stores, as defined therein, must collect the bag fee and remit sixty percent (60%) of such fees to the local municipality on a quarterly basis beginning April 1, 2024; and

WHEREAS, the Act phases out the right of certain stores to provide customers with certain plastics; and

WHEREAS, the Act delegates enforcement of violations of the Act to local governments “in the manner that the local government chooses,” C.R.S. § 25-17-507(1)(a), while providing a fine schedule for “Count[ies] that choose [] to enforce a violation of” the Act; and

WHEREAS, the City Council finds it desirable and appropriate, and in the best interest of the general health, safety, and welfare of its residents to amend Title 3 of the Woodland Park Municipal Code (the “Code”), by creating a new Chapter 3.39, adopting the plastic pollution reduction act and establishing penalties for violating the act.

**NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE
CITY OF WOODLAND PARK, COLORADO, AS FOLLOWS:**

Section 1. The foregoing recitals are incorporated herein as conclusions, facts, determinations, and findings by the City Council.

Section 2. The Woodland Park Municipal Code is hereby amended by adopting Sec. 3.39.010 to read as follows:

Title 3, Chapter 39, Section 10 - Plastic Pollution Reduction Act

Sec. 3.39.010 Adoption of the Plastic Pollution Reduction Act, Penalties for Violation

- (a) Adoption of the Plastic Pollution Reduction Act. The Plastic Pollution Reduction Act, C.R.S. §§ 25-17-501 through 25-17-509, as that Act may be amended from time to time, is hereby adopted by the city. It shall be a municipal violation for any person to violate the provisions of the Plastic Pollution Reduction Act, as amended from time to time.
- (b) Penalties for violation. Violation of the provisions of the Plastic Pollution Reduction Act as adopted by the City by this section shall be punishable by the issuance of a written warning for a first offense within two years; a fine of \$500.00 for a second offense within two years; and a fine of \$1,000.00 for a third or subsequent offense within three years.

Section 3. Severability. The provisions of this ordinance are severable and the invalidity of any section, phrase, clause, or portion of the ordinance as determined by a court of competent jurisdiction shall not affect the validity or effectiveness of the remainder of the ordinance.

Section 4. Effective Date. This ordinance shall be in full force and effect upon its publication as required by law.

PASSED BY CITY COUNCIL ON SECOND AND FINAL READING FOLLOWING PUBLIC HEARING THIS ___ DAY OF _____, 2023.

City of Woodland Park

Hilary LaBarre, Mayor

ATTEST:

City Clerk, Suzanne Leclercq