

CITY OF GRAND JUNCTION, COLORADO

ORDINANCE NO. 5122

**AN ORDINANCE INCORPORATING AND ADOPTING CERTAIN PROVISIONS
OF HB 21-1162 INTO THE GRAND JUNCTION MUNICIPAL CODE
CONCERNING BAG FEES AND ESTABLISHING THE COMMENCEMENT OF
BAG FEE REMITTANCE TO BEGIN APRIL 1, 2023**

RECITALS

On July 6, 2021, Governor Polis signed HB 21-1162, adding a Part 5 to Article 17 of Title 25 of the Colorado Revised Statutes entitled the *Plastic Pollution Reduction Act* ("Act" or "the Act") into law.

The Act requires that certain retailers ("Stores" as defined in the Act not to include "Small Stores" as that term is defined) charge a bag fee of at least 10 cents per bag provided to a customer and phase out the provision of plastic single-use carryout bags entirely by January 1, 2024.

Among other things the Act requires that 60% of the bag fee collected be remitted to the municipality in which the Large Stores are located, to be used for certain specified purposes. The Act also directs Large Stores to begin remitting the municipality's portion of the bag fee revenue quarterly, beginning April 1, 2024.

As a home rule municipality, the City of Grand Junction ("City") may exercise its constitutional and statutory authority to adopt ordinances under its police powers in order to preserve the public health, safety, and general welfare and with this Ordinance does adopt the Act as specifically amended by this Ordinance. The City Council having been duly advised and having fully considered the matter, does find and determine that it in the best interests of the health, safety and welfare of the citizens of Grand Junction to adopt a local enforcement mechanism to ensure that Stores in the City are complying with the requirements of HB 21-1162 and, as applicable in the Act that Small Stores and other retailers fully comply with the regulations promulgated by the State and adopted by the City.

The Act provides that Stores are not required to remit the bag fee until April 1, 2024, but with this Ordinance the City Council determines that the quarterly remittance of the bag fee shall commence on April 1, 2023, instead of April 1, 2024.

NOW, THEREFORE, IT IS ORDAINED BY THE CITY COUNCIL OF THE CITY OF GRAND JUNCTION, COLORADO, AS FOLLOWS:

Section 1. A new Chapter 8.11 of the Grand Junction Municipal Code (“GJMC”) *Management of Plastic Products* to read as follows. Additions are shown in *italic typeface* to read as follows:

8.11 Management of Plastic Products

8.11.010 - Adoption of the Plastic Pollution Reduction Act, Fee Remittance

(a) *The City adopts the Plastic Pollution Reduction Act, C.R.S. §§ 25-17-501 through 25-17-509, together with the definitions provided therein as any or all of the same may be amended from time to time, and as specifically amended by this Ordinance.*

(b) *For the period beginning on the date that this Ordinance becomes effective until December 31, 2023, Stores shall remit to the City from the total amount of carryout bag fees collected in the previous quarter as otherwise provided in C.R.S. 25-17-505. This subsection (b) shall expire January 1, 2024, when the bag fee remittance provisions provided in C.R.S. 25-17-505 take effect.*

(c) *The bag fee, remittance, and other provisions of the Act as applicable to Small Stores and other retailers and vendors as defined in the Act shall be effective as otherwise provided in the Act and as required by this Ordinance.*

(d) *A violation of this Ordinance shall be punishable as provided in 1.04.090 of the GJMC.*

If any provision of this Ordinance, or the application of such provision to any person or circumstance, is held to be unconstitutional, then the remainder of this ordinance, and the application of the provisions of such to any person or circumstance, shall not be affected thereby.

This Ordinance is necessary to protect the public health, safety, and welfare of the residents of the City and covers matters of mixed State and Local concern.

INTRODUCED ON FIRST READING AND ORDERED PUBLISHED IN PAMPHLET FORM this 4th day of January 2023.

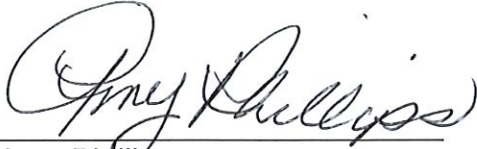
ADOPTED ON SECOND READING AND ORDERED PUBLISHED IN PAMPHLET
FORM this 18th day of January 2023.



Anna M. Stout
President of the City Council



ATTEST:



Amy Phillips
City Clerk

I HEREBY CERTIFY THAT the foregoing Ordinance, being Ordinance No. 5122 was introduced by the City Council of the City of Grand Junction, Colorado at a regular meeting of said body held on the 4th day of January 2023 and the same was published in The Daily Sentinel, a newspaper published and in general circulation in said City, in pamphlet form, at least ten days before its final passage.

I FURTHER CERTIFY THAT a Public Hearing was held on the 18th day of January 2023, at which Ordinance No. 5122 was read, considered, adopted and ordered published in pamphlet form by the Grand Junction City Council.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 20th day of January 2023.



Deputy City Clerk

Published: January 06, 2023
Published: January 20, 2023
Effective: February 19, 2023

