

ORDINANCE NO. 1277

AN ORDINANCE ADOPTING THE PLASTIC POLLUTION REDUCTION ACT AND ESTABLISHING PENALTIES FOR VIOLATING THE ACT

WHEREAS, the City of Fort Morgan, Colorado (the “City”), is a Colorado home rule municipality, duly organized and existing pursuant to Section 6 of Article XX of the Colorado Constitution; and

WHEREAS, the City Council (the “Council”) has authority pursuant to the Home Rule Charter and C.R.S. §31-16-101, et seq. to adopt and enforce all ordinances and enact laws to govern and regulate the use of land within its territory; 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 Chapter 4 of the Fort Morgan Municipal Code (the “Code”), by creating a new Article 8, 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 FORT MORGAN, COLORADO, THAT:

SECTION 1: The Fort Morgan Municipal Code is hereby amended by adopting a new Article 8 and creating a new Sec. 4-8-10 to read as follows:

Chapter 4, Article 8, Section 10 - Plastic Pollution Reduction Act

Sec. 4-8-10 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 2. If any section, provision, paragraph, clause or phrase of this Ordinance is held, or decided to be unconstitutional, invalid or unenforceable for any reason, such decision shall not affect the constitutionality, validity or enforceability of the remaining portions of this Ordinance.

SECTION 3. All other ordinances or portions thereof inconsistent or conflicting with this Ordinance or any portion hereof are hereby repealed to the extent of such inconsistency or conflict.

**INTRODUCED, READ, ADOPTED ON FIRST READING, AND ORDERED
PUBLISHED** on the 7th day of February, 2023.



THE CITY COUNCIL OF THE CITY OF FORT
MORGAN, COLORADO


By: Lyn Deal
Mayor

Attest:


John Brennan
City Clerk

**PASSED, APPROVED AND ADOPTED ON FINAL READING AND ORDERED
PUBLISHED** this 21st day of February, 2023.

THE CITY COUNCIL OF THE CITY OF
FORT MORGAN, COLORADO





By: Lyn Deal
Mayor


John Brennan
City Clerk

STATE OF COLORADO)
COUNTY OF MORGAN)ss. **CERTIFICATE**
CITY OF FORT MORGAN)

I, John Brennan, the duly appointed, qualified Clerk of the City of Fort Morgan, Colorado, do hereby certify that the foregoing **Ordinance No. 1277** was, as a proposed Ordinance, duly and legally presented to the City Council of the City of Fort Morgan, Colorado, on the 7th day of February 2023, said ordinance, as proposed, was duly read at length at said meeting, and thereafter the same was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado. Said proposed ordinance was again taken up and read a second time, duly and legally, passed, approved and adopted at a regular meeting of the City Council held on the 21st day of February, 2023. Within five (5) days after its final passage, said **Ordinance No. 1277** was published in *The Fort Morgan Times*, a daily newspaper of general circulation published and printed in the City of Fort Morgan, Morgan County, Colorado.


John Brennan
City Clerk