



MEMORANDUM

P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: HILARY SUEOKA, ENVIRONMENTAL PROGRAMS MANAGER
RE: SECOND READING, ORDINANCE 23-19 AN ORDINANCE AMENDING ARTICLE II CHAPTER 124 OF THE FRISCO MUNICIPAL CODE TO ALIGN WITH THE STATE'S PLASTIC POLLUTION REDUCTION ACT
DATE: AUGUST 8, 2023

Summary and Background:

Staff brought Ordinance 23-19 to Council for First Reading on July 25, 2023. As there were no major edits, staff returns today for Second Reading including the two additional edits presented and discussed during the July 25th meeting. These edits include removal of medical and adult use marijuana as specific examples under § 124-20 Exemptions, and removal of Farmers Markets and temporary vendors from the same section. Both edits are added to better align with the State's Plastic Pollution Reduction Act.

The following was presented during the First Reading of Ordinance 23-19:

Due to the many issues related to single use plastics during all lifecycle phases, Environmental Programs staff returns to Council with an ordinance to reduce single use plastic in the Frisco community. The Town's Bag Fee and Plastic Bag Ban Ordinance 21-01 has been in effect since September 1, 2021. This update to the ordinance will bring it into alignment with the State's Plastic Pollution Reduction Act [HB 21-1162 \(PPRA\)](#).

On November 8, 2022, Environmental Programs staff first brought forward a conversation during work session on single use plastics and was directed by Council Members to return with more information on water bottle bans, "skip the stuff" style ordinances, and clarification on requirements of the Plastic Pollution Reduction Act [HB 21-1162 \(PPRA\)](#).

On March 14, 2023, Environmental Programs Staff returned to Council for a second work session and was directed to return with an ordinance including:

- ban on sale or provision of single use plastic water bottles under 1 gallon,
- ban on single use plastic cups in municipal facilities, events, or leased spaces,
- requirement for all single use plastic items (including utensils, condiments, straws, stirrers, and napkins) to be on request only for take-out food, and
- updates to the Town's Plastic Bag Ban and Single Use Bag Fee Ordinance to align with the PPRA.

Despite previous work sessions that bundled discussion on updates to the Plastic Bag Ban together with other single use plastic bans, the updates to Frisco's Plastic Bag Ban and Bag Fee Ordinance are located in their own Ordinance, 23-19. This change is in response to lessons

learned and best practices from other municipalities who found that combining all changes into a single ordinance is confusing for businesses.
Ordinance 23-19 contains the change to language that would permit remitted bag fees be used to fund a small business grant program.

Analysis:

Updating the Bag Fee and Plastic Bag Ban brings Frisco's Ordinance into compliance with the PPRA and avoids additional confusion businesses.

Over the last few months, Town Staff have sent communications to impacted businesses. Stakeholder feedback has been exclusively positive from business owners as of the writing of this staff report.

Financial Impact: Bag fees remitted to the Town may decrease as a result of the updates fee remittance structure. This should not have a significant impact on internal operations since these fees have so far been largely returned to local businesses through signage, education and outreach, and reusable bags. The change in language to allow expanded uses for remitted bag fees will permit the creation of a small business grant to assist local businesses with implementation of reusables or other creative waste diversion projects.

Alignment with Strategic Plan: Updates to the Bag Fee and Plastic Bag Ban Ordinance supports implementation of Environmental Stewardship Goals and the Climate Action Plan as listed within the Sustainable Environment Strategic Priority.

Environmental Sustainability: Initiatives to reduce single-use items support the Waste goals within the Summit Community Climate Action Plan and goals created from the Summit Community Zero Waste Task Force.

Staff Recommendation: Staff recommends that Council approve Ordinance 23-19 on Second Reading.

Approved By:

Tom Fisher, Town Manager
Diane McBride, Assistant Town Manager
Leslie Edwards, Finance Director

Attachments:

Attachment 1 – Ordinance 23-19 REDLINED
Attachment 2 – Ordinance 32-19 CLEAN

