



MEMORANDUM

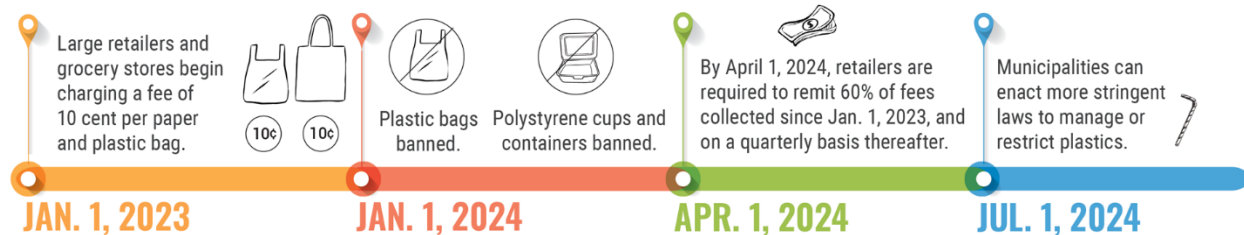
P.O. Box 4100 ♦ FRISCO, COLORADO 80443

TO: MAYOR AND TOWN COUNCIL
FROM: HILARY SUEOKA, ENVIRONMENTAL PROGRAMS COORDINATOR
RE: SINGLE USE PLASTICS DISCUSSION
DATE: MARCH 14, 2023

Summary and Background:

During the November 8, 2022, Town Council work session on single-use plastics, Staff was directed to further research water bottle bans and “skip the stuff” style ordinances. Both types of ordinances reduce the consumption of single-use plastic items, or items made of plastic that are intended to be used once and disposed of, and not designed for repeated use or sanitizing. A “Skip the Stuff” ordinance requires that all retail food establishments provide single-use condiments and single use service wear only upon request by the customer. Additionally, as requested during the November 8 work session, clarification on the polystyrene ban as detailed in the State of Colorado Plastic Pollution Reduction Act (Attachment 1) is included below.

Plastic Pollution Reduction Act [HB 21-1162 \(PPRA\)](#)



Timeline (from Eco Cycle <https://www.recyclecolorado.org/plastic-ban-information>)

Per the PPRA, as of January 1, 2024, **no restaurants or schools** will be permitted to provide polystyrene cups or containers of any kind. The bag fees and following plastic bag bans from the state level do not change the fee amount, or which businesses are required to collect bag fees in Frisco. Ordinance 21-01 (Frisco’s Bag Fee Ordinance) is generally stricter than the State’s PPRA since it requires a \$0.25 fee and requires all retail establishments to participate. However, some potential changes to Frisco’s Bag Fee ordinance are discussed below, to align Town regulations more closely with the State Act.

Recent Single-Use Plastics Ordinances

From [Berkeley, CA](#) to [Cranford, NJ](#), towns across the country have implemented some form of single-use plastic ban or fee over the past few years. With the passing of the PPRA, local jurisdictions will have the opportunity to discourage the consumption and disposal of single-use plastics through bans or fees. Two local examples of these types of regulations are from Telluride and Breckenridge.

Telluride – Ordinance adopted on second reading November 15, 2022 (Attachment 2)

1. Customers must request condiments, cutlery, and napkins at point of ordering (online, by phone, or in-person) effective immediately
2. The following single-use plastic containers are banned from sale in businesses or commercial establishments, effective July 1, 2024
 - a. Plastic or polystyrene containers for prepared food – includes but limited to plates, cups, bowls, trays, cartons, and hinged or lidded containers of any kind
 - b. Plastic beverage straws
 - c. Single-use plastic water bottles
 - d. Plastic cutlery
 - e. Miscellaneous plastic provisions: toothpicks wrapped in plastic, cotton swabs made with plastic, any single-use condiment packages served in plastic, plastic garnish spears or plastic stirrers of any kind

Breckenridge – First Reading on February 14, 2023 (Attachment 3), a revised version will be returning to Council on March 14, 2023

Ordinance brings current single-use plastic regulations into compliance with HB21-1162 and expands regulations on single-use plastics to meet goals in the SustainableBreck Plan. Specifics below:

1. Requires customers opt-in to single-use plastic service ware and condiments at retail food establishments until July 1, 2024 at which time they are prohibited.
2. Raises the recycled carryout bag fee to 25 cents and requires carryout bags to be 100% recycled content. The first 60% of the fees collected are remitted to the Town and the remaining 40% can be kept by the store for certain uses. Business with remaining inventory of 40% recycled content paper bags can use them until depleted.
3. Immediately bans all plastic beverage containers in any Town facility, park, or special event permitted by the Town.
4. Establishes a ban on polystyrene containers in retail food establishments beginning January 1, 2024 and other plastic carryout containers beginning July 1, 2024.
5. Prohibits all businesses from selling plastic beverage containers less than half gallon in size as well as offering plastic service ware beginning July 1, 2024

Breckenridge Town Council was generally supportive of the ordinance but decided that plastic accessory items should remain as request only, instead of phasing to a ban on these items. Until good substitutions for plastic to-go items can be identified, restaurant owners requested that items such as condiment packets and plastic lids still be available for customers.

Analysis: Staff recommends Council utilize this work session to review single-use plastics and to decide where they would like to see the Town of Frisco go. One recommendation would be to better align the Bag Fee and Bag Ban regulations (Ordinance 21-01) with the State's as written in the PPRA. Some suggestions are included below.

State of Colorado HB21-162 Plastic Pollution Reduction Act: There are a few differences between the State and our local ordinance that could be changed to better align and reduce confusion for business owners:

- Amount retained: HB21-1162 permits businesses to retain 40% of the bag fee and remit 60% to the local jurisdiction; Frisco's ordinance allows 50% of the \$0.25 fee up to \$100/month.
- Minimum remittance: If total quarterly bag fees are less than \$20, retailers retain collected fees and remit in the next quarter when total amount of bag fees collected exceeds \$20 (PPRA); Frisco's ordinance does not have a minimum.
- Paper bag requirements: PPRA requires paper bags to be 100% recycled material or other PCR; Frisco's ordinance requires bags contain a minimum of 40% PCR.
- Municipality's use of bag fees: PPRA allows a municipality to use fees to pay: (A) its administrative and enforcement costs as a result of this section; and (B) for any recycling, composting, or other waste diversion programs and related outreach and education activities; Frisco's ordinance allows for similar uses but restricts programs and projects to those directly associated with disposable bags.

Changing the use of bag fees to align with the PPRA could help to fund other waste reduction projects including for local businesses that are not covered by other grants through HC3. Berkeley implemented a mini-grant program to assist businesses in the transition away from single-use plastics, and bag fees could help staff implement a similar program in Frisco.

Staff requests input and feedback on the alignment of Frisco plastic bag ban and bag fee rules with HB21-1162.

Another recommendation would be to reduce the availability of single-use plastics as Telluride has, and Breckenridge has proposed. Based on experience with the disposable plastic ban, and research on existing foodware bans from other cities, Staff recommends the following phased implementation to reduce the use of single use plastics:

Town of Frisco Proposed Phased Single-Use Plastics Reduction.

1. All condiments and disposable to-go items as on-request only; ban all single-use plastic beverage bottles and cups at any Town facility, park, or permitted special event, effective upon signing
2. Ban on plastic water bottles under ½ gallon, all polystyrene containers in retail food establishments; and ban on all plastic disposable to-go condiments/utensils (other items remain by request only) effective July 1, 2024
3. Ban on all plastic beverage containers under ½ gallon, and all disposable plastic to-go containers effective July 1, 2025

Staff requests input and feedback on banning plastic water bottles only or all plastic beverage containers.

Additional Considerations:

Plastic single-use water bottles would be permitted in cases of emergency as deemed by the Town Manager.

Pharmaceutical drugs and dietary supplements would be exempt from the plastic beverage container ban.

The Town has already switched to aluminum bottled water for events and encourages attendees to bring their own water bottles. Switching to reusable or aluminum cups instead of plastic would be feasible but would increase costs.

Prior to returning with an ordinance (if directed by Council,) Staff requests time to do additional outreach to impacted parties including but not limited to small and large businesses within Town limits, contracted waste haulers, and Recreation and Events staff.

As part of the phased-in approach, enforcement could begin with one year of education and outreach on the banned materials followed by other enforcement mechanisms.

To assist businesses with the transition to non-polystyrene (or possibly non-plastic) to-go containers, the Town could assist with a reusable to-go pilot program, similar to those implemented in [Boulder](#), or in other states such as [Carson City, NV](#), or [Truckee, CA](#). No reusable to-go container companies are currently operating in Summit County, though one has expressed interest depending on number of participating businesses.

Financial Impact: None at this time. Financial impacts of the above policy ideas will be further analyzed depending on Town Council direction. For immediate actions (effective upon signing,) since the Town has already switched to aluminum bottled water for events, and encourages attendees to bring their own water bottles, the only costs incurred to the town would be finding a different option for single-use plastic cups. Switching to reusable or aluminum cups instead of plastic would be feasible but would increase costs.

Alignment with Strategic Plan: Reducing the amount of single-use plastic provided to customers 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. Following Council direction, Staff will provide more detailed environmental impact analysis of selected policy option/s in a future staff report.

Staff Recommendation: Staff recommends that Town Council review the information presented and if appropriate, direct staff to prepare an Ordinance that will implement a phased ban on single-use plastics including “skip the stuff”, and a ban on plastic beverage containers.

Staff also requests input and feedback on:

- Alignment of Frisco plastic bag ban and bag fee rules with HB21-1162
- Banning plastic water bottles only or all plastic beverage containers
- Banning other plastic items (such as plastic to-go boxes)

Approved By:

Don Reimer, Community Development Director
Tom Fisher, Town Manager
Leslie Edwards, Finance Director

Attachments:

Attachment 1 – HB21-1162 Plastic Pollution Reduction Act
Attachment 2 – Telluride Ordinance
Attachment 3 – Breckenridge draft Ordinance