

Prohibition and Ban on the Use and Sale of Certain Plastic Materials or Products

Last updated February 16, 2023



ORDINANCE BACKGROUND

When did the Town of Telluride adopt the Prohibition and Ban on the Use and Sale of Certain Plastic Materials or Products Ordinance?

In November 2022, the Town of Telluride adopted the Prohibition and Ban on the Use and Sale of Certain Plastic Materials or Products Ordinance to further discourage the use of single-use plastics, including polystyrene products, known commonly as Styrofoam®. This aligns with the Town's Climate Action Plan and the State of Colorado's HB 21-1162.

Hasn't the Town of Telluride prohibited disposable plastic bags for a long time?

While Telluride has prohibited disposable plastic bags since 2011 by the passing of the Prohibition of Disposable Plastic Bags and Mandating Certain Standards and a Fee for the Use of Permitted Bags Ordinance, the Town felt further measures were needed to slow the impacts from single-use plastics, including the release of greenhouse gas emissions, litter in the environment, harm to wildlife, water consumption and solid waste generation.

TIMELINE

When does the ordinance take effect?

Majority of the provisions of this ordinance are not effective and will not be enforced until the State of Colorado repeals current provisions of Colorado law prohibiting a local government from prohibiting or banning the use or sale of plastic materials or products. The current prohibition will be repealed on July 1, 2024.

However, Section 7-8-100 of the ordinance entitled "Customers Must Request Condiments and Cutlery," is in effect as of November 2022. Businesses can only provide single-use condiment packages, plastic cutlery, napkins, and any other items provided to a customer beyond prepared food if specifically requested when ordering.

ORDINANCE APPLICATION

Who does this ordinance apply to?

The ordinance applies to all business license holders within the Town of Telluride. This means any commercial enterprise or establishment, including sole proprietorships, joint ventures, partnerships, corporations, non-profits or any other legal entity, whether for or not for profit. This also includes all employees of the business and any independent contractors associated with the businesses. This also applied to major and minor festivals and any other special events held within the Town of Telluride. Out of town vendors, such as farmer's market vendors and vending cart retailers must comply.

What is prohibited from selling or offering under this ordinance?

The ordinance prohibits:

- a. Plastic Food Containers - Prepared food cannot be served on or in any container that contains plastics, including but not limited to plates, cups, bowls, trays, cartons, and hinged or lidded containers of any kind. This includes polystyrene products (Styrofoam®) and includes, but is not 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 – means a single-use plastic container of less than one (1) gallon containing drinking water.
- d. Plastic cutlery
- e. Toothpicks wrapped in plastics
- f. Cotton swabs made with plastics
- g. Any single-use condiment packages served in plastic, such as, but not limited to, ketchup, mustard, mayonnaise, aioli, wasabi, soy sauce, sriracha, salsa, tartar sauce, or any salad dressing favor of any kind.
- h. Plastic garnish spears or plastic stirrers of any kind.

EXCEPTIONS & PENALTIES

Are there exceptions?

Yes. The exceptions include:

- a. Materials used in the packaging of the provision of pharmaceutical drugs, medical devices or dietary supplements or any equipment or materials used to manufacture pharmaceutical drugs, medical devices or dietary supplements.
- b. Single-use plastic water bottles are not prohibited in cases of emergency or other Town situations where the Town Manager find that relying on single-use plastic water bottles is necessary to protect the public health, safety and welfare and no reasonable alternative would serve the same purpose, including lack of available potable water due to a natural disaster or disruption in the Town's water treatment system.
- c. Single-use plastic water bottles are not prohibited in the case of law enforcement, fire department or emergency medical services where individuals are responding in their official capacities to an emergency or first responder situations.

What are the penalties?

Penalties are tiered based on the number of violations within the same calendar year.

- a. 1st violation – written warning
- b. 2nd violation – up to a \$50 fine
- c. 3rd violation – up to a \$100 fine
- d. 4th or more – up to a \$300 fine for each subsequent violation within the same year

No more than one (1) penalty shall be imposed upon a Person and/or Business within a seven (7) day period.

BUSINESS IMPLEMENTATION

What plastics are currently to be given out by request only?

- a. single-use condiment packages
- b. plastic cutlery, napkins
- c. any other items provided to a customer beyond prepared food if specifically requested when ordering.

What steps should businesses take to implement?

Step 1: Review the inventory of single-use plastics and Styrofoam take-out containers.

Step 2: Talk to suppliers and let them know which products need to be replaced with alternatives or eliminated. Request 100% recycled content and recyclable bags. Request reusable or eco-preferred takeout food containers.

Step 3: Install signage in a highly visible place to clearly communicate bag fee requirements, the condiments and cutlery request provision and more. The Town of Telluride will be providing signage templates for retailers to use.

Step 4: Train staff to ensure a proper understanding of the laws surrounding single-use plastics and how best to communicate with patrons.

What companies provide products in compliance?

- EcoEnclose (paper shopping bags)
- Uline (paper shopping bags)
- Uline (paper grocery bags)
- Duro Brown (paper grocery bags)
- EcoProducts (takeout food containers)



PLASTIC ALTERNATIVES

Plastic Product	Best Alternatives	Better Alternatives
Wrappers (candy, chips, etc.)	Bulk purchasing of food in reusable containers	N/A
Bottle Caps (Plastic)	Functional replacement with reusable bottles	“Connect the Cap” technical fix available
Beverage Bottles (Plastic)	Functional replacement with reusables	Paper boxes or aluminum cans
Bags (Plastic)	Functional replacement with reusable bags	Natural, bio-based shopping bags (paper)
Straws, Stirrers	Functional replacement with reusable straws/stirrers	Paper or wood straws/stirrers
Lids (Plastic)	Functional replacement with reusable cups	N/A
Utensils	Functional replacement with reusable utensils	Natural, bio-based biodegradable (compostable) utensils (bamboo/wood)
Take Out/Away Containers (Foam)	Functional replacement with reusable take-out containers.	Plant-based biodegradable (compostable) take-out containers
Take Out/Away Containers (Plastic)	Functional replacement with reusable containers	Plant-based biodegradable (compostable) take-out containers
Cups, Plates (Plastic)	Functional replacement with reusable cups	Plant-based biodegradable (compostable) cups
Cups, Plates (Foam)	Functional replacement with reusable cups	Plant-based biodegradable (compostable) cups