

**Town of Basalt
Ordinance No. 04
Series of 2012**

**ORDINANCE OF THE TOWN COUNCIL OF THE TOWN OF BASALT,
COLORADO, SETTING AN ELECTION AND A BALLOT TITLE CONCERNING
ORDINANCE NO. 02, SERIES OF 2012, REGULATING
THE USE OF DISPOSABLE BAGS**

RECITALS

1. The Town of Basalt, Colorado ("Town") is a home rule municipality and political subdivision of the State of Colorado, duly organized and operating under the Home Rule Charter for the Town of Basalt and the Constitution and laws of the State of Colorado.

2. On February 14, 2012, after a duly noticed public hearing and second reading, the Town Council adopted Ordinance No. 02, Series of 2012.

3. Ordinance No. 02, Series of 2012, amends Chapter 7 (Health, Sanitation, and Animals), of the Basalt Municipal Code, by adding a new Article IX (Recycling and Water Reduction), which precludes grocers from providing disposable plastic bags to customers, establishes a fee to be collected for the use of disposable paper bags, and provides for the disposition of fees collected pursuant to the ordinance.

4. Ordinance No. 02, Series of 2012, provides that it shall not become effective unless it is approved by the affirmative vote of the qualified electors of the Town of Basalt in accordance with an election to be held for that purpose.

5. Pursuant to C.R.S. §31-11-111(2) and Article V of the Basalt Home Rule Charter, the Town Council has determined to submit Ordinance No. 02, Series of 2012, to a vote of the registered electors of the Town of Basalt.

6. At a public meeting on February 14, 2012, the Town Council approved this Ordinance on first reading and scheduled a public hearing and second reading for this Ordinance for February 28, 2012, for a meeting beginning no earlier than 6:30 pm at the Basalt Town Hall, 101 Midland Avenue, Basalt, Colorado.

7. At a public hearing and second reading on February 28, 2012, the Town Council heard evidence and testimony as offered by the Town Staff, the Applicants, and members of the public

NOW THEREFORE, BE IT ORDAINED by the Town Council of Basalt, Colorado, as follows:

Section 1. The Town Council hereby submits the question of whether the Basalt Municipal Code shall be amended as provided in Ordinance No. 02, Series of 2012, to a vote of the registered electors of the Town of Basalt at the next regular election on April 3, 2012.

Section 2. The Town Council hereby determines that the ballot title (submission clause and title) shall read as follows:

SHALL THE TOWN OF BASALT PROHIBIT GROCERS FROM PROVIDING DISPOSABLE PLASTIC BAGS TO CUSTOMERS AND REQUIRE GROCERS TO CHARGE A FEE OF 20 CENTS PER PAPER BAG PROVIDED TO CUSTOMERS TO TRANSPORT GOODS PURCHASED FROM BASALT GROCERY STORES WITH FEES USED FOR RECYCLING, WASTE REDUCTION AND ENVIRONMENTAL EDUCATION BY THE TOWN OF BASALT AND FOR GROCERS ADMINISTRATION AS PROVIDED IN ORDINANCE NO. 02, SERIES OF 2012?

INTRODUCED, READ ON FIRST READING, ORDERED PUBLISHED, AND SET FOR PUBLIC HEARING TO BE HELD ON February 28, 2012, by a vote of 6 to 0, on February 14, 2012.

READ ON SECOND READING AND ADOPTED AFTER PUBLIC HEARING, AND ORDERED PUBLISHED, by a vote of 7 to 0, on February 28, 2012.

TOWN OF BASALT, COLORADO

By Leroy Duroux
Leroy Duroux, Mayor

ATTEST:

By Pamela K. Schilling
Pamela K. Schilling, Town Clerk

First Publication: Thursday, February 23, 2012
Final Publication: Thursday, March 8, 2012
Effective Date: Thursday, March 22, 2012

