

TOWN OF NEDERLAND, COLORADO

ORDINANCE NUMBER 862

**AN ORDINANCE OF THE BOARD OF TRUSTEES OF THE
TOWN OF NEDERLAND, COLORADO, AMENDING CERTAIN SECTIONS
OF ARTICLE VII OF CHAPTER 7 OF THE NEDERLAND MUNICIPAL CODE,
CONCERNING PLASTIC, SINGLE-USE BAG,
AND POLYSTYRENE POLLUTION REDUCTION**

WHEREAS, the Town of Nederland, Colorado ("Town") is a statutory municipality, duly organized and existing under the laws of the state of Colorado; and

WHEREAS, pursuant to C.R.S. § 31-15-501, the Town possesses the authority to regulate the operation and licensing of businesses within its jurisdiction; and

WHEREAS, pursuant to House Bill 21-1162 enacted by the Colorado General Assembly in 2021 and C.R.S. § 25-17-508, the Town possesses the authority to impose regulations on certain plastic and polystyrene products that are more stringent than those regulations adopted by the State; and

WHEREAS, the Nederland Sustainability Advisory Board recommends amendments to the Town regulations related to regulations of certain plastic and polystyrene products and imposing a fee on disposable paper bags; and

WHEREAS, the Town Board of Trustees finds and determines that limiting the use of single-use plastic carryout bags and polystyrene products will mitigate the harmful effects on the State's and the Town's natural resources and the environment that result from their disposal; and

WHEREAS, the Town Board of Trustees finds and determines that this ordinance promotes the public health, safety, and welfare of the community.

NOW THEREFORE, BE IT ORDAINED by the Board of Trustees of the Town of Nederland, Colorado, as follows:

Section 1. Article VII, titled "Waste Minimization," is amended. Article VII of the Nederland Municipal Code, titled "Waste Minimization," is amended by changing the existing title to a new title, with additions showing in underline and deletions showing as strikethroughs:

ARTICLE VII - WASTE MINIMIZATION PLASTIC POLLUTION, SINGLE-USE PAPER BAG, AND POLYSTYRENE REDUCTION

Section 2. Section 7-141, titled "Short title," is amended. Section 7-141 of the Nederland Municipal Code, titled "Short title," is amended by changing the existing citation to a new citation, with additions showing in underline and deletions showing as strikethroughs:

Sec. 7-141. Short title.

This Article shall be known and may be cited as the "Plastic Pollution, Single-Use Paper Bag, and Polystyrene Reduction ~~Waste Minimization~~ Ordinance."

Section 3. Section 7-142, titled "Purpose," is amended. Section 7-142 of the Nederland Municipal Code, titled "Purpose," is amended with the addition of the identification of a new goal of the regulations. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-142. Purpose.

It is the purpose of this Article to protect the public health and safety and to implement the Town's Sustainability Action Plan, the 2013 Comprehensive Plan, the Boulder County Zero Waste Plan, State of Colorado Plastic Pollution Reduction Act of 2021 (CO House Bill 21-1162), and the objectives set forth in the Nederland 2020 Vision Statement.

Section 4. Section 7-143, titled "Finding," is amended. Section 7-143 of the Nederland Municipal Code, titled "Finding," is amended with the addition of new findings. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-143. Finding.

The Board finds as follows:

- (1) The Town, through its policies, programs, and laws, supports efforts to reduce the amount of waste that must be land-filled and pursues "zero waste" as a long term goal by emphasizing waste prevention efforts; and
- (2) That the use of single-use disposable plastic and paper bags as well as styrofoam ~~have~~as severe impacts on the environment on a local and global scale, including greenhouse gas emissions, litter, harm to wildlife and human health, atmospheric acidification, water consumption and solid waste generation; and
- (3) Despite recycling and voluntary solutions to control pollution from disposable carryout plastic and paper bags and styrofoam, many of these items are ~~disposable single-use bags~~ ultimately are disposed of in landfills, litter the environment, block storm drains and endanger wildlife; and

- (4) Plastic bags can take anywhere from 10 to 1,000 years to decompose in a landfill, and plastic bottles can take 450 years or more. However, plastic bags don't break down completely but instead photo-degrade, becoming microplastics that absorb toxins and continue to pollute the environment. Single-use plastic grocery bags take about two decades to break down, while plastic water bottles made with polyethylene terephthalate (PET) are estimated to take approximately 450 years to fully break down. Plastic waste is one of many types of waste that take too long to decompose, and up to 130,000 tons of plastic will wind up in the ocean as plastic pollution each year. Approximately two billion (2,000,000,000) single use plastic bags are used annually in Colorado but less than five percent (5%) are recycled; and

- (5) Studies document that banning polystyrene is important because there the toxicity and inability to recycle. Styrofoam has also been shown to cause harm to the environment and public health. The US Department of Health and Human Services identifies styrene, a main component of polystyrene commonly referred to as "styrofoam", as "reasonably anticipated to be a human carcinogen," and reports styrene exposure is linked to "increased risks for leukemia, lymphoma, or all lymphohematopoietic cancer." One of the three greatest sources of exposure to styrene is from eating food contaminated by styrene. How much styrene leaches into food depends on the amount of time the food is in contact with the polystyrene, the amount of surface area where food-to-polystyrene contact occurs, and the type and temperature of the food (higher temperatures and higher fat foods lead to more styrene passing into the food). The Occupational Safety and Health Administration (OSHA) warns that prolonged or regular exposure to the chemicals that make up polystyrene, such as the conditions experienced by people who live near or work in polystyrene factories, can lead to negative effects to the central nervous system, "showing symptoms such as depression, headache, fatigue, weakness," and potentially causing minor effects on kidney function. Ajaj A, J'Bari S, Ononogbo A, Buonocore F, Bear JC, Mayes AG, Morgan H. An Insight into the Growing Concerns of Styrene Monomer and Poly(Styrene) Fragment Migration into Food and Drink Simulants from Poly(Styrene) Packaging. Foods. 2021 May 20;10(5):1136. doi: 10.3390/foods10051136. PMID: 34065221; PMCID: PMC8160766; -It has been determined that single use paper bags are not a sustainable alternative to single use plastic bags due to their production requiring more resources and causing greater waste and emissions than that of plastic bags. and

- (6) The Town's taxpayers bear the costs associated with the effects of disposable bags and polystyrene on the solid waste stream, drainage, litter and wildlife.; and

- (7) Studies document that charging a mandatory fee on disposable bags can dramatically reduce the use of these bags. State policy supports this method through enacting bag fees and bans, as well as municipalities across Colorado; and
- (8) The Town of Nederland believes that residents and visitors should use reusable bags and that a fee on the distribution of disposable bags is appropriate to dissuade the use of disposable bags and fund the Town's efforts to educate residents, businesses, and visitors about the impact of disposable bags on the regional environmental health and to fund the use of reusable bags, Town cleanup events, and infrastructure and programs that reduce waste in the community; and
- (9) The Town of Nederland also believes that polystyrene should be banned from use by businesses in Town. This ban supports the state's decision to ban polystyrene on a state level.

Section 5. Section 7-144, titled "Intent," is amended. Section 7-144 of the Nederland Municipal Code, titled "Intent," is amended with the addition of the identification of a new intent of the regulations. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-144. Intent.

A ban of plastic disposable bags and the use of polystyrene ~~The disposable bag fee is necessary to address the environmental problems associated with both products disposable bags and to relieve taxpayers of the costs imposed upon the Town associated with the use of disposable bags.~~ The Board intends that the plastic disposable bags and the use of polystyrene products will be banned within Town of Nederland limits. The Board intends to allow the use of paper disposal bags with a \$0.10 cent bag fee in accordance with the State of Colorado Plastic, Pollution, and Polystyrene Reduction Act of 2021. This fee requirements of this chapter will assist in offsetting the costs associated with using disposable paper bags to pay for the mitigation, educational, replacement, and administrative efforts of the Town.

Section 6. Section 7-145, titled "Authority," is amended. Section 7-145 of the Nederland Municipal Code, titled "Authority," is amended with the addition of the identification of a new source of authority for the regulations. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-145. Authority.

The Town of Nederland hereby finds, determines and declares that it has the power to adopt this Article pursuant to:

- (1) The Town's general police powers under CRS 31-15-401, to do all acts and make all regulations which may be necessary or expedient for the promotion of health or the suppression of disease.

- (2) The Town's authority under CRS 31-15-501, to regulate the conduct of businesses and to prohibit business practices that are offensive or unwholesome, such as those that have an irreparable and deleterious effect on the environment- ;
- (3) Following Colorado State's Plastic Pollution Reduction Act (also known as the PPRA or HB21-1162), which was passed by the Colorado state legislature in 2021, effective January 1, 2024. The Act allows municipalities to adopt a local ordinance regulating the use of plastics and polystyrene.

Section 7. Section 7-146, titled "Definitions," is amended. Section 7-146 of the Nederland Municipal Code, titled "Definitions," is amended with the addition of new definitions for the terms container, food establishment, paper bag, plastic bag, polystyrene, waste minimization plan, and single use, and to add to existing defined terms for further clarification. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-146. Definitions.

The following terms used in this article chapter have the following meanings unless the context clearly indicates otherwise:

Container means a receptacle upon which or inside which food may be placed for consumption, whether or not the receptacle can be fully closed. Container includes hinged food containers, plates, bowls, cups, and trays.

Customer means any person who makes a retail purchase from a retail store.

Disposable bag means, except as provided in Section ~~7-149~~ 7-147, any plastic or paper bag, other than a reusable bag, that is provided to a customer by a retailer at the point of sale for the purpose of transporting goods.

Food establishment means establishment that stores, prepares, or packages food for human consumption or serves or otherwise provides food for human consumption to consumers directly or indirectly through a delivery service, whether such food is consumed on or off the premises or whether there is a charge for such food. The definition of a food establishment does include food trucks and temporary vendors at farmer's markets or other temporary events.

Paper bag means any bag that is one hundred percent (100%) recyclable material and contains at least forty percent (40%) post-consumer recycled content.

Plastic bag means a carryout bag that is a single-use plastic product made predominantly of plastic derived from natural gas, petroleum, or a biologically based source, such as corn or other plant sources, and that is provided to a

customer at the point of sale. Plastic bag does not mean a reusable carryout bag or a compostable bag.

Polystyrene means blown polystyrene, commonly known as Styrofoam®, and any other expanded or extruded foam consisting of thermoplastic petrochemical materials utilizing a styrene monomer and processed by techniques that may include:

- (a) for expandable bead polystyrene, fusion of polymer spheres;
- (b) injection molding;
- (c) foam molding; and
- (d) for extruded foam polystyrene, extrusion blow molding.

~~Waste minimization public outreach plan means a program to be put in place by the Town to raise awareness and educate both residents and visitors on waste minimization and the disposable bag fee. The program shall at a minimum include: the development of informational signage for all retail stores; informational sessions and communications with retail stores to explain the disposable bag fee and the retail store's obligations; and the production of a "Nederland Reusable Bag" and distribution of such bags to lodging companies and retail stores.~~

~~Financial Services Manager means the Financial Services Manager of the Town, or such person's designee.~~

~~Remitted Remmited percent means the percent of each disposable bag fee that is remitted by retail stores to the Town.~~

~~Retail store means any public commercial business engaged in the sale of personal consumer goods, household items, or groceries to customers who use or consume such items. "Retail store" does not include temporary vendors at farmer's markets or other temporary events; or food establishments; or other businesses (e.g., service providers such as salons and spas) where retail sales are clearly secondary and incidental to the primary activity occurring within the business.~~

~~Retained percent means the percent of each disposable bag fee that is retained by retail stores.~~

~~Recycled paper bag means a paper bag that is one hundred percent (100%) recyclable and contains at least forty percent (40%) post-consumer recycled content.~~

Reusable bag means any bag meeting the following criteria:

- (4) A bag that is ~~at least 2.25 millimeters thick.~~
- (~~12~~) Is made from a ~~material that can be cleaned and disinfected~~ cloth, fiber, or other fabric or a recycled material such as polyethylene terephthalate (PET) regularly;
- (~~23~~) Has a minimum lifetime of ~~seventy-five (75)~~ one-hundred twenty-five (125) uses; and
- (~~34~~) Has the capability of carrying a minimum of ~~eighteen (18)~~ twenty-two (22) pounds.

Single use means a product designed to be used once and then discarded, and not designed for repeated use or sanitizing.

Waste minimization means coordinated efforts to divert waste away from landfills and towards alternative means of disposal such as recycling and compost.

Waste minimization public outreach plan means a program to be put in place by the Town to raise awareness and educate both residents and visitors on waste minimization and the disposable bag fee. The program shall at a minimum include: the development of informational signage for all retail stores; informational sessions and communications with retail stores to explain the disposable bag fee and the retail store's obligations; and the production of a "Nederland Reusable Bag" and distribution of such bags to lodging companies and retail stores.

Section 8. New Section 7-147, titled "Ban of Disposable Plastic Bags and Polystyrene," is added. Article VII of the Nederland Municipal Code, titled "Plastic Pollution, Single-Use Paper Bag, and Polystyrene Reduction," is amended by the addition of a new Section 7-147 addressing a ban on disposable plastic bags and polystyrene, to read as follows:

Sec. 7-147. Ban of Disposable Plastic Bags and Polystyrene.

- (a) On and after July 1, 2024, it shall be unlawful for a retail store or a food establishment to distribute plastic bags and paper bags containing less than 40 percent post-consumer recycled content; provided, however, that if a retail store or a food establishment purchased expanded plastic products before June 1, 2024, the retail store or a food establishment may distribute any remaining inventory until depleted.
- (b) On and after July 1, 2024, it shall be unlawful for a retail store or a food establishment to sell or offer for sale any product in any container that is made of polystyrene products, also known in certain nomenclature as the trademarked name of Styrofoam®; provided, however, that if a retail store or a food

establishment purchased expanded polystyrene products before June 1, 2024, the retail store or a food establishment may distribute any remaining inventory until depleted.

Section 9. New Section 7-148, titled "Disposable Paper Bag Fee Established," is added. Article VII of the Nederland Municipal Code, titled "Plastic Pollution, Single-Use Paper Bag, and Polystyrene Reduction," is amended by the addition of a new Section 7-148 addressing a disposable paper bag fee, to read as follows:

Sec. 7-148. Disposable Paper Bag Fee Established.

For each disposable paper bag provided to a customer, each retail store shall collect from customers, and customers shall pay, at the time of purchase a disposable bag fee of ten cents (\$0.10). The disposable paper bag fee shall be remitted quarterly by the retail store to the Town in accordance with Sections 7-151 of this Article. The Board of Trustees may annually evaluate and change by resolution the amount of the disposable paper bag fee, the amount of the retained percent, or both the amount of the disposable paper bag fee and the amount of the retained percent.

Section 10. Section 7-147, titled "Exemptions," is amended. Section 7-147 of the Nederland Municipal Code, titled "Exemptions," is amended by renumbering it to Section 7-149 and by changing the existing title to a new title and by adding a reference to Section 7-148, with additions showing in underline and deletions showing as strikethroughs:

Sec. 7-1497. Exemptions for disposable paper bag fee.

The disposable paper bag fee imposed by Section 7-148 ~~this Chapter~~ does not apply to:

- (1) A bag brought into a retail store by a customer and used to transport goods from the retail store.
- (2) A bag provided to a customer at no charge if the customer provides evidence that he or she is a participant in a federal or state food assistance program.
- (3) Bags used by consumers inside retail stores to:
 - a. Package bulk items, such as fruit, vegetables, nuts, grains, candy or small hardware items like nails, nuts, and screws;
 - b. Contain or wrap frozen foods, meat, or fish;
 - c. Contain or wrap flowers, potted plants, or other items where dampness may be a problem; and
 - d. Contain unwrapped prepared foods or bakery goods;

- (4) A non-handled bag used to protect purchased items from damaging or contaminating other purchased items when placed in a disposable bag or a reusable bag.
- (5) Bags used for loose small retail items, including, but not limited to, jewelry, buttons, beads, ribbon, herbs and spices, medical marijuana or adult-use marijuana if sold by the holder of a permit issued pursuant to applicable law, and similar items.
- (6) Bags provided by pharmacists to contain prescription drugs.
- (7) Newspaper bags, door-hanger bags, laundry-dry cleaning and garment bags, and bags sold in packages containing multiple bags for uses such as food storage, garbage, pet waste, or yard waste.

Section 11. Section 7-148, titled "Disposable paper bag fee requirements," is amended. Section 7-148 of the Nederland Municipal Code, titled "Disposable bag fee requirements," is amended by renumbering it to Section 7-150 and by applying it only to paper bags, with additions showing in underline and deletions showing as strikethroughs:

Sec. 7-150 48. Disposable paper bag fee requirements.

- (a) For each disposable paper bag (~~paper or plastic~~) provided to a customer, retail stores shall collect from customers, and customers shall pay, at the time of purchase, a disposable bag fee of ten cents (\$0.10).
- (b) Retail stores shall record the number of disposable paper bags provided and the total amount of disposable bag fees charged on the customer transaction receipt.
- (c) A retail store shall not refund to the customer any part of the disposable paper bag fee, either directly or indirectly, nor shall the retail store advertise or state to customers that any part of the disposable bag fee will be refunded to the customer.
- (d) A retail store shall not exempt any customer from any part of the disposable paper bag fee for any reason except as stated in Section 7-149 ~~7-147~~.

Section 12. Section 7-149, titled "Retention, remittance, and transfer of the disposable paper bag fee," is amended. Section 7-149 of the Nederland Municipal Code, titled "Retention, remittance, and transfer of the disposable paper bag fee," is amended by renumbering it to Section 7-151, by adding a new retention percentage, and by changing the person responsible for administering the fee, with additions showing in underline and deletions showing as strikethroughs:

Sec. 7-151 49. Retention, remittance, and transfer of the disposable paper bag fee.

- (a) A retail store may retain ~~forty~~ forty ~~fifty~~ percent (40 ~~50~~%) of each disposable paper bag fee ("retained percentage").
- (b) The retained percent may only be used by the retail store to:
 - (1) Provide educational information about the disposable bag fee to customers;
 - (2) Provide the signage required by Section 7-1520, "Required Signage;"
 - (3) Train staff in the implementation and administration of the fee;
 - (4) Improve or alter infrastructure to allow for the implementation, collection, administration of the fee;
 - (5) Collect, account for, and remit the fee to the Town;
 - (6) Develop and display informational signage to inform consumers about the fee;
 - (7) Encourage the use of reusable bags or promote recycling of plastic bags; and
 - (8) Improve infrastructure to increase plastic bag recycling.
- (c) The retained percent shall not be classified as revenue for the purposes of calculating sales tax.
- (d) The amount of the disposable paper bag fee collected by a retail store in excess of the retained percent shall be paid to the Town and shall be used only as set forth in Subsection (g) to mitigate the effects of disposable bags in Nederland.
- (e) A retail store shall pay and the Town shall collect all disposable paper bag fees. The Town shall provide the necessary forms for retail stores to file with the Town in order to demonstrate compliance with the provisions of this Article.
- (f) The disposable paper bag fee shall be administered by the Sustainability Coordinator and/or such person's designee ~~Financial Services Manager~~. The Sustainability Coordinator and/or such person's designee ~~Financial Services Manager~~ is authorized to adopt administrative rules pursuant to of this Code to implement this Article Chapter, prescribe forms and provide methods of payment and collection, and otherwise implement requirements of this Article Chapter.

- (g) Funds from the remitted percent of the disposable paper bag fee paid to the Town shall be used only for the expenditures that are intended to mitigate the effects of disposable paper bags and support waste minimization at Nederland businesses and public places, including without limitation the following:
- (1) Administrative costs associated with developing and implementing the disposable bag fee.
 - (2) Activities of the Town to:
 - a. Provide reusable bags to residents and visitors;
 - b. Educate residents, businesses, and visitors about the impact of disposable bags on the Town's environmental health, the importance of reducing the number of disposable paper bags entering the waste stream, and the impacts of disposable bags on wildlife and the environment;
 - c. Fund programs and infrastructure that allow the Nederland community to reduce waste;
 - d. Purchase and install equipment designed to minimize bag pollution, including, recycling containers, and waste receptacles;
 - e. Fund community cleanup events and other activities that reduce litter;
 - f. Maintain a public website that educates residents on the progress of waste minimization efforts in the community; and
 - g. Fund the administration of the disposable bag fee program.
- (h) No disposable paper bag fees collected in accordance with this Article Chapter shall be used only for general municipal or governmental purposes or spending.
- (i) Disposable paper bag fees collected in accordance with this Article Chapter shall be continually available for the uses and purposes set forth in Subsection (g) of this section without regard to fiscal year limitation. No disposable bag fee funds shall be used for any purpose not authorized in this Article Chapter.

Section 13. Section 7-150, titled "Required signage," is amended. Section 7-150 of the Nederland Municipal Code, titled "Required signage," is amended by renumbering it to Section 7-152.

Section 14. Section 7-151, titled "Requirements for disposable paper bags," is deleted.

Section 15. Section 7-152, titled "Audits and violations," is amended. Section 7-152 of the Nederland Municipal Code, titled "Audits and violations," is amended by renumbering it to Section 7-153, by changing the person responsible for administering the bag fee, and increasing the penalty interest rate for late payments. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-153 52. Audits and violations.

- (a) Each retail store shall maintain accurate and complete records of the disposable bag fees collected, the number of disposable bags provided to customers, the form and recipients of any notice required pursuant to this ~~Article Chapter~~, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It shall be the duty of each retail store to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years from the end of the calendar year of such records.
- (b) If requested, each retail store shall make its records available for audit by the Sustainability Coordinator and/or such person's designee ~~Financial Services Manager~~ during regular business hours for the Town to verify compliance with the provisions of this ~~Article Chapter~~. All such information shall be treated as confidential commercial documents.
- (c) If any person fails, neglects, or refuses to collect or pay the disposable bag fee, or underpays the disposable bag fee, the Sustainability Coordinator and/or such person's designee ~~Financial Services Manager~~ shall make an estimate of the fees due, based on available information, and shall add thereto penalties, interest, and any additions to the fees. The Sustainability Coordinator and/or such person's designee ~~Financial Services Manager~~ shall serve upon the delinquent retail store personally, by electronic mail or by First Class Mail directed to the last address of the retail store on file with the Town, written notice of such estimated fees, penalties, and interest, constituting a notice of final determination, assessment, and demand for payment, (also referred to as "notice of final determination") due and payable within twenty (20) calendar days after the date of the notice. The retail store may request a hearing on the assessment as provided in Section 7-155~~3~~ of this ~~Article Chapter~~.

- (d) If payment of any amount of the disposable bag fee due to the Town is not received on or before the applicable due date, penalty and interest charges shall be added to the amount due in the amount of:
- (1) A penalty of ten percent (10%) of total due;
 - (2) Interest charge of one and one-half percent (1.5%) of total unpaid balance ~~penalty~~ per month.

The Town Administrator is authorized to waive, for good cause shown, any penalty and interest assessed.

Section 16. Section 7-153, titled "Hearings," is amended. Section 7-153 of the Nederland Municipal Code, titled "Hearings," is amended by renumbering it to Section 7-154 and by changing the person to whom a request for hearing must be sent. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-154 53. Hearings.

- (a) A retail store may request a hearing on any proposed fee imposed under this Article Chapter after receiving a notice of final determination, by filing a written request for hearing within twenty (20) calendar days of the date of mailing of the notice of final determination. The request for hearing shall set forth the reasons for and amount of changes in the notice of final determination that the retail store seeks and such other information as the Town Administrator or such person's designee ~~Financial Services Manager~~ may prescribe.
- (b) The Town Administrator or such person's designee shall conduct the hearing under the procedures prescribed by Article IX of Chapter 2, except that the Town Administrator or such person's designee shall notify the retail store in writing of the time and place of the hearing at least ten (10) days before it is scheduled, unless the retail store agrees to a shorter time. The hearing shall be held within sixty (60) days of the date of receipt of the request for a hearing, unless the retail store agrees to a later date.

Section 17. Section 7-154, titled "Penalties and criminal sanctions," is amended. Section 7-154 of the Nederland Municipal Code, titled "Penalties and criminal sanctions," is amended by renumbering it to Section 7-155, by changing the title to eliminate the criminal sanctions reference and by additions to clarify that violations are civil in nature. The additions are showing with underline and the deletions are showing as strikethroughs:

Sec. 7-155 54. Penalties and criminal sanctions.

- (a) Failure to comply with the terms of this Article shall constitute a civil infraction punishable in the Nederland Municipal Court~~It is unlawful for any person to violate any provision of this Chapter.~~
- (b) The first or second violation of this Article ~~Chapter~~ within two (2) years, based on the date of the violation, shall be an infraction. ~~Every person found liable for such a violation shall be punished by as provided in Article IX of Chapter [2]; provided, however, the maximum penalty for each such violation shall be a fine of five hundred dollars (\$500.00).~~
- (c) A third and each subsequent violation of this Article ~~Chapter~~ within two (2) years, based on the date of violation, shall be a civil infraction. ~~Any person convicted of such a violation shall be punished by a fine as provided in Section 1-72.~~

Section 18. Minor Revision or Correction Authorized. The Town Administrator and the Mayor, in consultation with the Town Attorney, are authorized to make minor revisions or corrections to the codified version of the provisions of this Ordinance provided that such revisions or corrections are grammatical, typographical, numerical, or non-substantive and do not alter or change the meaning and intent of this Ordinance.

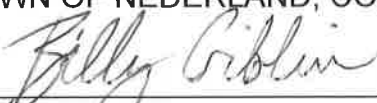
Section 19. Severability. Should any one or more sections or provisions of this Ordinance or of the Code provisions enacted hereby be judicially determined invalid or unenforceable, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance or of such Code provision, the intention being that the various sections and provisions are severable.

Section 20. Repeal. Any and all Ordinances or Codes or parts thereof in conflict or inconsistent herewith are, to the extent of such conflict or inconsistency, hereby repealed; provided, however, that the repeal of any such Ordinance or Code or part thereof shall not revive any other section or part of any Ordinance or Code provision heretofore repealed or superseded.

Section 21. Effective Date. After adoption by the Board of Trustees, this Ordinance shall take effect at 5:01p.m. on the thirtieth day after publication of the ordinance.

INTRODUCED, READ, PASSED, ADOPTED, AND ORDERED PUBLISHED THIS 21st
DAY OF May 2024, BY A VOTE OF 7 IN FAVOR AND 0
AGAINST.

TOWN OF NEDERLAND, COLORADO



Mayor or Mayor Pro Tem

ATTEST:

Macy Caligaris
Macy Caligaris, Town Clerk



APPROVED AS TO FORM:

Jennifer Madsen
Jennifer Madsen, Town Attorney

I hereby certify that the above Ordinance was adopted by the Board of Trustees of the Town of Nederland at its meeting of May 21, 2024, and ordered published by title only by Mountain Ear newspaper on June 13, 2024.

Macy Caligaris
Macy Caligaris, Town Clerk