



TOWN COUNCIL

WORKSHOP AGENDA DOCUMENTATION

PREPARATION DATE: October 10th, 2018
MEETING DATE: October 15th, 2018

SUBMITTING DEPARTMENT: Public Works
DEPARTMENT DIRECTOR: Floren Poliseo
PRESENTER: Johnny Ziem

SUBJECT: Reducing Single-Use Plastic Bag Waste Discussion

PURPOSE OF WORKSHOP ITEM

The purpose of this item is to receive Council direction on specific decision points for Ordinance P, a draft ordinance adding Chapter 8.36 to the Municipal Code of the Town of Jackson to address reducing single-use plastic bag waste.

DESIRED OUTCOME

The desired outcome is to receive Council direction on several decision points to provide clarity to staff on the final language to be presented for Ordinance P on first reading.

BACKGROUND/ALTERNATIVES

At the August 20th, 2018 Town Council Workshop, staff was directed to bring this discussion back to a future workshop to allow for further dialogue with both staff and the business community. At the August 20th, 2018 Town Council Workshop, Council presented staff with numerous questions on the general structure of the ordinance, effect on local businesses, effective date, point of sale, waste reduction fee concerns, record keeping, potential cost increases for businesses, administration costs, compliance, and visitor impacts. Over the last few months, staff has been researching successful ordinances both in our country and internationally. For this staff report, staff collected additional, specific information on how similar ordinances have been implemented in resort communities like Jackson. Further, on September 26th, 2018, staff put together and attended a meeting with the Chamber of Commerce and some of their members which was held in the Whole Grocer's community room (see stakeholder analysis). Staff has also outlined specific decision points for the Council that will provide direction to staff in crafting the final ordinance for presentation at first reading.

Research on Other Municipalities Ordinances and Outcomes

To better understand how other similar resort-type communities have handled enacting a single-use plastic bag ban, staff began a dialogue with other municipalities that was centered on an informal questionnaire. The questions posed to each municipality are outlined below:

1. Who is responsible for compliance for your ordinance and what does this look like? How has your finance department been impacted with the task of managing fees?
2. Have you perceived a negative impact of effect on tourism in your city?
3. Did local businesses have difficulty adding a \$.10 fee at the point of sale on their registers and ultimately adding this to their receipts?
4. Did this ordinance drastically increase their cost of doing business?

5. If you charge for paper bags, how much money is typically generated from this fee? Did anyone offset any administration costs incurred from managing the fee?
6. Where did the excess/stored plastic bags go when the ordinance took effect?

Aspen, Colorado

In May of 2012, Aspen banned single-use plastic bags and charges \$.20 for any paper bag distributed at their two grocery stores and each store can keep up to \$100 per month. Aspen has a sustainability division tasked with compliance and staff routinely visits grocery stores, the only stores responsible for requiring a \$.20 fee, to make sure each store is complying. Staff analyzed data prior to and after the ordinance took effect and concluded that most of the bags being given out were at the two grocery stores. Though they have auditing language in their ordinance, the Aspen City Council has directed staff, for now, not to audit any of their grocery stores and only prescribed doing compliance checks. Through the \$.20 fee staff purchases roughly 5,000 reusable bags a year to give away for free. Their finance department is responsible for tracking the \$.20 fee payments and this has had no immediate impact on that department. Since 2012 when this ordinance was made effective, Aspen has not witnessed a negative effect on tourism or their visitors. Staff routinely surveys their visitors and has found that the majority are in support and happy with the ban. Staff engaged the grocery stores about implementing a \$.20 fee on their receipts and noted that they did not have trouble doing so. Based on observations and some collected data, there has been some additional costs for banning plastic bags and providing paper bags. The grocers were able to generate revenue from selling reusable bags as well. Anecdotally, staff has heard from the grocers that they have seen a decline in paper bags being asked for, since now they are not free. Reusable bag banks are being offered around the city for use by anyone to take or leave a bag (most are taking and not leaving). Staff stocks the bag banks with reusable bags bought with the \$.20 fee for paper bag usage. On average, from the two grocery stores impacted, the \$.20 fee generates roughly \$50,000 – \$65,000 a year. Staff has not heard of any issues with plastic bags that each grocer had in stock during the start of the ordinance. The suggestion was given to find a local resource such as thrift stores, animal shelters, or hospitals for reuse.

Avon, Colorado

On May 1st, 2018, Avon enacted a plastic bag ordinance that bans single-use plastic bags and charges all retailers a \$.10 fee for paper bags given at the point of sale. Based on square footage, large retailers can keep 20% and small businesses can keep 100% of the collected \$.10 fee. Avon's finance department is tasked with managing the \$.10 paper bag fee collected and they are also tasked with enforcement. There has not been a noticeable workload effect on their finance department. There has not been a noticeable effect on tourism to date, though this ordinance went into effect in the spring of this year. Avon is a large tourist area and staff realizes that this will be a change for their visitors, but they feel that the transition will go smoothly. Staff has not heard many complaints from local businesses regarding including the \$.10 fee on their receipts. Staff worked hard to work with the public and local businesses on preparing for the effective date of their ordinance and partnered with a local bank to create reusable canvas bags to distribute for free. Staff has not heard from any businesses that this has drastically increased their cost to do business. Since all the retail businesses can keep all or a portion of the \$.10 fee, staff indicated that are only generating roughly \$3,000 per month. Each retail business is governed on how they can spend the \$.10 paper bag fee collected, which cannot be used for general purposes and only for prescribed purposes as per the ordinance. Due to adequate time to go through all the retail businesses plastic bag stock, not many single-use plastic bags were left when the ordinance went into effect.

Breckenridge, Colorado

On October 15th, 2013, Breckenridge enacted a plastic bag ordinance that bans single-use plastic bags and charges all retailers a \$.10 fee for paper bags given at the point of sale. Each retailer may retain

50% of the paper bag fee collected, up to \$1,000 per month during the first year and up to \$100 per month after. As described above (Avon), each retailer is governed on how they can spend their retained portion of the paper bag fees. Their finance department is responsible for compliance and managing the collected fees. Their finance department was not affected, in terms of time, for managing the fees but staff did see additional time requirements for compliance checks. From staff's perspective, this has not had a negative impact on tourism and made comment that this perception "is a fallacy". This summer, according to staff, Breckenridge witnessed a 14% increase in sales tax generation. Staff has not heard any negative comments on the ability for retailers to include the \$.10 fee on their receipts and that most businesses designed an item marked "bag" on their registers. Staff also has not heard many comments on this ordinance impacting the cost of doing business. In terms of the amount collected from the \$.10 paper bag fee, staff said they average between \$40,000 and \$60,000 per year. These funds help offset a portion of the Sustainability Director salary (20%), perform outreach/education, and initiated the "BYO Bag Sustainable Breck" program. By far, staff indicated that the grocery stores generate the most paper bag fees. Staff did not have any information on any of their retail businesses having a lot of plastic bag stock left over after the effective date of the ordinance.

Telluride, Colorado

On March 1st, 2011, Telluride enacted a plastic bag ban ordinance that bans single-use plastic bags for all retailers and charges a \$.10 fee for paper bags given at the point of sale at grocery stores, which each grocery store can keep 50% of the fees generated to help offset costs. Since 2011, the \$.10 fee averages \$2,800 per year in total collections. These funds go into a restricted account that staff uses to provide free reusable bags, education, and outreach programs. Telluride has seen some staff turnover and current staff charged with managing this ordinance were not around during implementation, so not much information is available at this time. Of note, in August of 2018, the Telluride Town Council moved forward banning single-use plastics from the food and beverage businesses in their municipality. Included in this modification is a ban on plastic straws, to-go containers, plastic drink stirrers, and plastic-wrapped toothpicks.

Vail, Colorado

On August 1st, 2015, Vail enacted a plastic bag ban ordinance that bans single-use plastic bags at grocery stores of more than 4,000 square feet and charge \$.10 for paper bags given at the point of sale. According to Vail staff, the ban has gone very well and has gotten a lot of support. Since they targeted only the three grocery stores, compliance monitoring has been easy and performed by their Sustainability Coordinator. The finance department tracks the \$.10 fee, and this has not added a lot to their workload. This ban has had no effect on tourism in a negative way but was stated by staff that it showed more of a positive effect from visitor feedback. For the stores charging the \$.10 fee, some time was spent programming their registers, but this was not too cumbersome. According to staff, the grocers noticed a drop in paper bag use after the ordinance went into effect and are saving a lot of money on not buying plastic bags which seemingly has shown to be a net gain. Staff estimated that the grocery stores averaged 3 to 4 million plastic bags per year prior to the effective date. They generate roughly \$25,000 per year from the \$.10 paper bag fee. None of the fees collected went to offset staff time or administration of the fees. Prior to the ordinance taking effect, the grocers had plenty of time to go through their plastic bag inventories.

Park City, Utah

On May 11th, 2017, Park City enacted a plastic bag ordinance that bans single-use plastic bags at grocery stores that are over 12,000 square feet and does not charge \$.10 for paper. It was noted that now two of the three grocery stores charge the \$.10 fee for paper bags and this was the grocer's decision to do so, not the city's. They have discussed this ordinance for roughly 10 years and after

multiple resolutions and education outreach, the Council decided it was time to enact an ordinance because the resolutions were not working. This ordinance has shown no effect on tourism and city staff opinion was that most tourists were coming from places with bans in place or at least have heard about bans in other cities. When asked if this has had a negative effect on grocers in terms of raising the cost for doing business, staff response was that no grocery store in the country has ever gone out of business from a plastic bag ban. The grocers were able to expense all their plastic bags prior to the effective date. Currently, Park City is looking to make this ordinance applicable to all retailers and not just the grocery stores. It was estimated that their local landfill spends roughly \$100,000 a year from plastic bags blowing away. In general, overall paper bag use has gone down since the implementation of the ordinance and roughly 30% of all grocer customers now use reusable bags. According to their grocers, paper bags cost roughly \$.04 more than plastic bags.

Determination of Costs: Paper vs. Plastic Bags

In general, looking at cost trends for the country, single-use plastic bags cost retail grocery stores \$.02 to \$.05 cents each, and paper bags cost \$.05 to \$.23 each. There are several factors affecting this cost: purchasing in bulk, bag design, etc. Working with the Chamber of Commerce, local business data was collected from eight retailers that were classified as large grocery (1), medium grocery (1), small retail (3), and medium retail (3):

- Large Grocery: It was reported that one large grocery store distributes single-use plastic bags that are <2.5 mil thick. Bags are ordered on a weekly schedule and roughly 2,080,000 single-use plastic bags are used each year/40,000 per week.
- Medium Grocery: It was reported that one medium grocery store distributes single-use plastic bags that are <.6 mil thick. Bags are ordered on a weekly schedule and roughly 170,400 single-use plastic bags are used each year. 6,000-7,000 plastic bags are kept on hand. The cost for purchasing plastic bags is \$.033 and the cost for purchasing paper bags is \$.14.
- Small Retail: It was reported that three small retailers distribute single-use plastic bags that are <2.5 mil thick. Bags are ordered two times a year and every 1-2 years. One retailer reported that 25,000 - 55,000 bags are kept on hand. Between 10,000 and 67,000 plastic bags are used per year. The cost for plastic bags range from \$.03 - \$.21 and the cost for paper bags range from \$.44 - \$.88.
- Medium Retail: It was reported that three medium retailers distribute single-use plastic bags that range from .59 mils – 2.5 mils. Bags are ordered weekly, every 6 months, and between 1.5 – 2 years. Between 8,000 and 156,000 single-use plastic bags are used every year. Costs for plastic bags range from \$.05 - \$1. No cost for paper bags were submitted.

Additional costs from one medium retailer were also submitted with this data:

- For plastic bags with drawstring handle (16x18x4), printed on both sides, that are 2.5 mil thick cost \$228.57 per 1,000. Roughly 60,000 are ordered for an 18 month – 2 year supply.
- For small plastic bags (12x15) that are printed on both sides, that are 1.75 mil thick cost \$139.35 per 1,000. Roughly 100,000 are ordered for a 1.5 – 2 year supply.
- For paper postcard bags, costs were reported at \$26.55 per 1,000, 50,000 per order which is roughly a 1 year supply.
- For paper shopping bags (16x6) costs were reported at \$520 per 1,000, 20,000 per order which is roughly a 2.5 year supply.
- For non-woven bags with handle (20x16), the cost is \$.68 each, 5,184 are ordered, specialty bag with likely a year or more of inventory.

Administration Costs

Staff was asked about offsetting administration costs associated with managing this program. Other communities as noted in this report have offset some administration costs but in general most municipalities have used the collected fees only for their reusable bag program and educational outreach. This may be a viable option moving forward if the administration costs are directly associated with managing this program and are not used for general government purposes.

Visitor Impacts and Concerns

All the municipalities cited in this staff report were asked if their municipality experienced a drop in tourism and visitation. Most, if not all the municipalities, showed some concern initially as this was discussed in their communities and within discussions held with elected officials. In concluding staff's discussion with other resort communities, this concern has not come to fruition. In fact, a recent report in Forbes (July of 2018), showed that major national and international travel and tourism companies are cutting down on single-use plastics. From eliminating straws to switching to shower amenities, tourism and hospitality companies are implementing initiatives to reduce and even eliminate their inclusion of single-use plastic products. Some of these national and international hospitality companies include: Marriott International, SpringHill Suites, Red Carnation, Hyatt, Kimpton Hotels, Hilton Hotels, Four Seasons Resorts, Alaskan Airlines, Hurtigruten Cruises, Peregrine Adventures, and destinations like Fort Myers, Florida, that issued an island-wide ban on the sale and use of plastic straws. These companies and destinations are noted because they are in the tourism and hospitality industry and are actively changing the way they serve their clientele.

Waste Reduction Fee Breakdown

Staff was asked to breakdown the potential \$.10 Waste Reduction Fee that may be collected from retailers. The ordinance states in section 8.36.050 (F) that the fees will be used for the cost of the Plastic Bag Outreach Plan that will be administered by Integrated Solid Waste and Recycling (ISWR). Within that program, other more specific areas were targeted as well, including:

1. Support for ISWR sponsored reusable bag distribution in partnership with High Country Linens.
2. Support for Spring and Fall Community Clean-Ups, and river clean-ups (i.e. Flat Creek clean-up)
3. Zero waste infrastructure, such as additional community recycle bins and/or a sort system at the Recycling Center.
4. Zero waste toolkits for local entities such as retailers, business owners, visitors, lodging properties, property managers and realtors that include reusable bag strategies and information.
5. Support and recognition for Road to Zero Waste Business Leaders, including reusable bag strategies.
6. Support for a Zero Waste booth at Eco Fair or other education and awareness campaigns and events.
7. Community partnerships to engage and educate the public on waste reduction, such as with the JH Children's Museum, Teton County School District, etc.

Decision Points for Town Council

There are several points that need clarification and a decision from the Town Council in order for staff to be able to present a draft ordinance for Council's consideration at first reading:

1. Single-Use Plastic Bag Prohibition for all Retailers

The Town of Jackson could require compliance from all retailers or potentially only require compliance from grocery stores. Listed below are some potential options for Council to consider:

- Prohibit all grocers, retailers, and retail stores from providing single-use plastic bags to a customer at the point of sale.
- Prohibit only grocers from providing single-use plastic bags at the point of sale.
- Other

Staff recommends the Council prohibit grocery stores from providing single use plastic bags with an effective date of November 1, 2019 and further prohibit all retailers from providing single use plastic bags with an effective date of November 1, 2020.

2. Waste Reduction Fee (\$.10)

The Town of Jackson could require compliance from all retailers or potentially only require compliance from grocery stores. After discussion with businesses and a review of other resort community implementation, staff recommends the waste reduction fee be split with the retailers in perpetuity. Listed below are some potential options for Council to consider:

- Require a collection fee of \$.10 for each paper bag provided at the point of sale for all grocers, retailers, and retail stores with 50% of the fees collected retained by each grocer, retailer, or retail store.
- Require a collection fee of \$.10 for each paper bag provided for only grocers with 50% of the fees collected retained by each grocer.
- Other

Staff recommends the Council require a collection fee of \$.10 for each paper bag provided at the point of sale for grocers with an effective date of November 1, 2019 with 50% of the fees collected retained by each grocer and further require a collection fee of \$.10 for each paper bag provided at the point of sale for all retailers and retail stores with an effective date of November 1, 2020 with 50% of the fees collected retained by each retailer or retail store.

3. Effective Date

The Town of Jackson could make the single-use plastic bag ban and the \$.10 Waste Reduction fee for paper bags take effect immediately or phase it in. Listed below are some potential options:

- Approve a commencement date of November 1, 2019 for all grocers.
- Approve a commencement date of November 1, 2020 for all retailers and retail stores.
- Other

Staff recommends the Council approve an effective date of November 1, 2019 for grocers and an effective date of November 1, 2020 for all retailers and retail stores.

4. Collection and Remittance of the Waste Reduction Fee

The Town of Jackson could charge a penalty for late payments. Payments are due the last day of the month. Listed below are some potential options:

- Do not impose a late fee.

- Impose a penalty of \$10 if fee is not paid by the tenth (10th) day of the following month. This \$10 penalty and is due in addition to the outstanding fee.
- Other

Staff recommends the Council impose a penalty of \$10 if fee is not paid by the tenth (10th) day of the following month. This \$10 penalty and is due in addition to the outstanding fee.

5. Audits and Violations

The Town of Jackson could charge a penalty for late payments. The Municipal Code has a general penalty provision for up to \$750/day per violation. As seen in other municipal codes, typical violations for first offenses have been \$50 and typical violations for second offenses have been \$100. For reference, the Town's Municipal Code for cell phone use while operating a vehicle requires \$75 for a first offense and \$100 for a second offense. Additionally, after discussion with the Chief of Police, it was asked that the language in 8.36.070 (C) (1) be removed because the police department already has the ability to issue warnings and frequently do so. The ordinance indicates that payments would be due the last day of the month when a retailer remits payment of sales tax to the Department of Revenue. Listed below are some potential options:

- Do not impose a violation fee.
- Impose a violation fee for a first violation of \$50 and \$100 for a second violation.
- Do not list a specific violation fee and allow the Municipal Judge to set the bond schedule.
- Other

Staff recommends the Council impose a violation fee for a first violation of \$50 and \$100 for a second violation.

Staff recommends the Council direct staff to present the ordinance as proposed regulating single use plastic bags for first reading at the next available regular Council meeting. In summary, the decision points for that proposed ordinance includes the following provisions.

- Prohibit single use plastic bags for grocers as of November 1, 2019 and for all retailers and retail stores as of November 1, 2020.
- Require a collection fee of \$.10 for each paper bag provided at the point of sale for grocers with an effective date of November 1, 2019 with 50% of the collected fees retained by each grocer and further require a collection fee of \$.10 for each paper bag provided at the point of sale for all retailers and retail stores with an effective date of November 1, 2020 with 50% of the collected fees retained by each retailer or retail store.
- Impose a penalty of \$10 if fee is not paid by the tenth (10th) day of the following month. This \$10 penalty and is due in addition to the outstanding fee.
- Impose a violation fee for a first violation of \$50 and \$100 for a second violation.

STAKEHOLDER ANALYSIS

Stakeholder meetings were held on September 26th, 2018, with the Chamber of Commerce and some of their members and on October 8th, 2018, with members of the local grassroots effort to ban single-use plastic bags. During the meeting with Chamber of Commerce, staff presented all the information regarding the ordinance and steps taken to create the current draft form. During the meeting, the general consensus was all businesses (those attending) were in favor of banning single-use plastic bags at the point of sale. Below are the condensed meeting notes provided by Rick Howe (Vice President, Chamber of Commerce):

For there to be a successful implementation of this ordinance, it should be paramount that the Town Council seek the business buy in. In order to create business buy in, there should be consideration based upon usage of the impact to the individual business and their ability to successfully fulfill the ordinance objectives. Why place any unnecessary burdens on that which provides the operating capital of the very agency who wants to initiate the ban. Why vote something in that you know will create dissention.

Suggestions based upon feedback from the business community that already says, “Let us help you, we understand the reasoning and want to help.” Don’t penalize businesses who are saying we are on board, just partner with them to achieve a goal that most have already said they agree with. This should not seem like us against them and can certainly be done as a partnership.

1. *Take a survey of all retail businesses. How many bags do you have on hand and typically how long will this take to go through? How often do you order? What are the specs on the bags you use?*

Once you have a good assessment of this, decide if the date of the ordinance taking affect is in line with the inventories left. In other words, if a business has 3 years of bags left, why punish a business by making them throw out or incur a fine for using the bags they have already paid for? Whatever the average is, make the start date coincide with that. Then, send out notices that this date will be the date based upon this research in order to allow you to use your existing stock. From this point forward do not order any more inventory.

2. *What is the square footage of the average business in Jackson Hole? Find out the square footage of the largest retailers and their use.*
3. *If the largest retailer is over 10,000 sf., who almost certainly are the ones who order more frequently and will have the greatest immediate impact make the fee based upon those numbers. All other businesses do not pay a fee as they are a different use but will also be covered under the ban and the specifics of the ban. Let them decide the best option to implement based upon their customer. They have the knowledge, skills and capabilities to help you make this work.*
4. *The other option to this is let the businesses use the fee to offset their individual costs and mitigation. Telling any government entity that they are getting upwards of over 100 thousand dollars and asking the public to simply “trust us” with the administration and use is not the way to obtain buy in. Get people on your side as there is nobody on the Town Council that knows the operations of every business better than the business themselves. Making a blanket policy that is supposed to apply to all would be fine if all our businesses were the same, but they are not. One of the things that makes our community so unique are the businesses because they are so different.*
5. *Take a staggered approach to implementation based upon those inventory numbers. All businesses over 10,000 square ft. are to comply by November 1, 2019. Based upon our research of businesses under that threshold we will phase all other businesses into this ordinance and require compliance November 1st, 2019. This will not then punish anyone and people who run out before then, have them notify the Town. This means they will then begin to operate under the guidelines even earlier because they want to and allows you to track.*

FISCAL IMPACT

There is no fiscal impact to the Town of the Jackson for providing direction to staff to present an ordinance for first reading. Should the ordinance be adopted and become effective, there would be no immediate fiscal impact to the Town organization. However, there is a fiscal impact to the Town and to businesses of ultimate passage of the ordinance as proposed as 50% of the fee Waste Reduction Fee collected would be remitted to the Town and provided to ISWR and 50% would be retained by the grocer, retailer, or retail store.

Additionally, there will be a fiscal impact to the Town's FY20 Budget in that funds would be budgeted to implement the initial education and outreach prior to collecting any Waste Reduction Fees. There would be a positive fiscal impact to ISWR in that it would have an additional revenue stream from the Waste Reduction Fees to address education, outreach, and the provision of reusable bags. Additionally, ISWR could avoid the cost of disposal for single-use plastic bags, which reportedly costs taxpayers \$40 per ton.

Please note that the goal of this program is not to create an additional revenue stream. The goal is to change behavior so that reusable bags are used in place of plastic or paper. The ultimate goal would be to collect a very minimal fee for paper bags usage as that would indicate success and reusable bags are being used in place of paper.

STAFF IMPACT

Staff impact included preparing the ordinance for first reading and may include making changes/amendments as directed by Council. Numerous hours of staff time have been spent conducting phone interviews with resort communities that have already banned single-use plastic bags. If the ordinance is passed after the third and final reading, staff would need to dedicate time to continue working with stakeholders and retailers to ensure a smooth transition for implementation before the effective date. Further time would also be needed to coordinate an implementation plan with ISWR, the Chamber of Commerce, and the Travel and Tourism Board to educate retailers. This would involve approximately 10-15 hours of time from the Town's Public Information Officer and Assistant Public Works Director. Further, there would be additional staff time for the Police Department to investigate any possible violations of this ordinance. The estimated time for each citation would require roughly two hours of Police Department time and an estimated two hours of Legal time per each offense. Should citations proceed to Municipal Court, there would also be time spent by the Municipal Judge and the court staff in processing and disposing of each citation. The Police Department estimates a time of approximately one hour for written warnings. There would also be a notable amount of staff time spent in the Finance Department processing the fees collected by retail establishments, entering those amounts in the Town's accounting system and remitting those fees to ISWR.

LEGAL ISSUES

Complete.

ATTACHMENTS

- Draft Ordinance P.
- Public comment received since the last presentation on August 20th, 2018.

RECOMMENDATION

Staff recommends the Council direct staff to present the ordinance as proposed regulating single use plastic bags for first reading at the next available regular Council meeting. In summary, the decision points for that proposed ordinance includes the following provisions.

- Prohibit single use plastic bags for grocers as of November 1, 2019 and for all retailers and retail stores as of November 1, 2020.
- Require a collection fee of \$.10 for each paper bag provided at the point of sale for grocers with an effective date of November 1, 2019 with 50% of the collected fees retained by each grocer and further require a collection fee of \$.10 for each paper bag provided at the point of sale for all retailers and retail stores with an effective date of November 1, 2020 with 50% of the collected fees retained by each retailer and retail store.
- Impose a penalty of \$10 if fee is not paid by the tenth (10th) day of the following month. This \$10 penalty and is due in addition to the outstanding fee.
- Impose a violation fee for a first violation of \$50 and \$100 for a second violation.

SUGGESTED MOTION

Should the Council be ready to take action, one possible motion would be:

I move to direct staff to present the ordinance as proposed regulating single use plastic bags for first reading at the next available regular Council meeting.

Synopsis for PowerPoint (120 words max): *The information entered in this section will be displayed on the monitors in the Council Chambers during meetings. In 120 words or less, provide a brief synopsis of the agenda documentation and any relevant information that should be displayed on the monitors, for example, purpose, background, or fiscal impact.*

Purpose:

Background:

Fiscal Impact:

ORDINANCE P

AN ORDINANCE ADDING CHAPTER 8.36 TO THE MUNICIPAL CODE OF THE TOWN OF JACKSON ESTABLISHING DISPOSABLE BAG REQUIREMENTS AND PROVIDING FOR THE COLLECTION AND DESIGNATION OF THE FEE TO THE TETON COUNTY WASTE REDUCTION PROGRAM AND PROVIDING FOR AN EFFECTIVE DATE.

NOW, THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF JACKSON, WYOMING, IN REGULAR SESSION DULY ASSEMBLED THAT

SECTION I.

There is hereby added Chapter 8.36 of Title 8 Disposable Bag Requirements of the Municipal Code of the Town of Jackson as follows:

CHAPTER 8.36 DISPOSABLE BAG REQUIREMENTS

Sections:

8.36.010	Legislative Findings
8.36.020	Definitions
8.36.030	Single-Use Disposable Plastic Bag Prohibition
8.36.040	Disposable Paper Bag Fee Requirements
8.36.050	Collection and Remittance of the Waste Reduction Fee
8.36.060	Exemptions
8.36.070	Audits and Violations

8.36.010 Legislative Findings

WHEREAS, the Town of Jackson, Wyoming (“Town”) is a municipal corporation existing pursuant to the laws of the Wyoming Constitution, the Wyoming Statutes, and the Town Charter; and

WHEREAS, the Town has a responsibility to protect the natural environment, economy, and health of its citizens and guests; and

WHEREAS, the Town, pursuant to Resolution 15-18 (“A Resolution Adopting Zero Waste as a Guiding Principle and Supporting the Creating of a Zero Waste Plan”) is committed to: pursuing a waste diversion goal of sixty percent (60%) or better; preserving Jackson’s unique environmental resources for generations to come by limiting environmental degradation and waste; and promoting practices that are sustainable and minimize harms to the natural environment; and

WHEREAS, the Town, pursuant to Resolution 12-001 (“A Resolution Certifying the Illustration of Our Vision Chapter of the Jackson/Teton County Comprehensive Plan as Part of the Comprehensive Master Plan for the Town of Jackson, Wyoming and Teton County, Wyoming”) is committed to minimizing the amount of solid waste it directs to landfills with a goal of “zero waste” by increasing efforts such as recycling and composting of waste; and

WHEREAS, the Town, pursuant to Resolution 17-08 (“A Resolution Recognizing Jackson Hole as a World-Leading Sustainable Community and Destination”) is committed to be a model of sustainability and support public and private sustainability efforts; and

WHEREAS, in the Town, innumerable single use disposable plastic bags are used each year that cannot be recycled in a cost-effective manner; and

WHEREAS, single-use disposable plastic bags create waste, pollute the Town’s waterways, roadways, landscapes and harm wildlife populations; and

WHEREAS, the Town Council finds and determines that prohibiting single-use disposable plastic bags and requiring a charge for disposable paper bags at grocers and other retailers would address the environmental and health problems associated with such use, would relieve Town taxpayers of the costs incurred by the Town in conjunction therewith, and would be in the best interest of the public health, safety, and welfare of the Town.

8.36.020 Definitions

As used in this Chapter the following definitions apply:

- A. *Disposable Paper Bag* means a bag made predominantly of paper that is provided to a customer by a Retailer at the point of sale for the purpose of transporting goods which is subject to the Town’s Waste Reduction Fee.
- B. *Fast Food Restaurant* means a retail food establishment where food and beverages are:
 - 1. Prepared in advance of customer orders or are able to be quickly prepared for consumption on or off premises; and
 - 2. Are ordered and served over counters or at drive-through windows; and
 - 3. Are paid for before being consumed.
- C. *Grocer* means a retail establishment or Business with the Town limits that is a full-line, self-service market with a retail market area more than Five Thousand (5,000) square feet and which sells a line of staple foodstuffs, meats, produce, household supplies, or dairy products or other perishable items
- D. *Retailer* means any person, corporation, partnership, business, facility, vendor, organization or individual that sells or provides merchandise, goods or materials, including without limitation, clothing, food, or personal items of any kind, directly to a customer.
- E. *Retail Store* includes, without limitations, any department store, hardware store, pharmacy, liquor store, restaurant, catering truck, convenience store, gas station, and any other retail store or vendor.
 - 1. *Retail Store* for the purposes of this ordinance does not include:
 - a. Vendors at a farmers’ market, excluding any of the vendors’ associated permanent business location(s);

- b. Fast Food Restaurants; or
- c. Art galleries and Art Fairs.

F. *Reusable Bag* means a bag that is:

- 1. Designed and manufactured to withstand repeated uses over time; and
- 2. Is made from a material that can be cleaned and disinfected regularly; and
- 3. At least two and one quarter millimeters (2.25 mil) thick if made from plastic.

G. *Single-Use Disposable Plastic Bag* means any bag that is less than two and one quarter millimeters (2.25 mil) thick and is made predominately of compostable or non-compostable plastic that is provided to a customer by a Retailer or Retail Store at the point of sale for the purpose of transporting goods.

- 1. Single-Use Disposable Plastic Bag does not include the following:
 - a. Bags used by consumers inside Retail Stores to:
 - 1. Package bulk items including: fruit, vegetables, nuts, grains, candy, or small hardware items; or
 - 2. Contain or wrap fresh or frozen meat or fish; or
 - 3. Contain or wrap flowers or potted plants; or
 - 4. Contain unwrapped prepared foods or unwrapped bakery goods.
 - b. Bags provided by pharmacists to contain prescription drugs.
 - c. Newspaper bags, door hanger bags, dry cleaning bags, or bags sold in packages containing multiple bags intended to enclose garbage, pet waste, or yard waste.

H. *Waste Reduction Fee* means the Town fee of Ten Cents (\$.10) imposed and required to be paid by each consumer making a purchase from a Retailer or Retail Store for each Disposable Paper Bag used during the purchase at the point of sale.

8.36.030 Single-Use Disposable Plastic Bag Prohibition

- A. On November 1st, 2019, no Grocer shall provide a Single-Use Disposable Plastic Bag to a customer at the point of sale.
- B. On November 1st, 2020, no Retailer or Retail Store shall provide a Single-Use Disposable Plastic Bag to a customer at the point of sale.
- C. Nothing in this section shall preclude any person or organization from making Reusable Bags available for sale or for no cost to customers.

8.36.040 Disposable Paper Bag Fee Requirements

- A. Effective on November 1st, 2019, Grocers shall collect from customers, and customers shall pay, at the time of purchase a Waste Reduction Fee of Ten Cents (\$.10) for each Disposable Paper Bag provided to the customer at the point of sale.
- B. Effective on November 1st, 2020, Retailers and Retail Stores shall collect from customers, and customers shall pay, at the time of purchase a Waste Reduction Fee of Ten Cents (\$.10) for each Disposable Paper Bag provided to the customer at the point of sale.

- C. Grocers, Retailers, and Retail Stores shall record the number of Disposable Paper Bags provided and the total amount of the Waste Reduction Fee charged on the customer transaction receipt.
- D. A Grocer, Retailer, or Retail Store shall not refund to the customer any part of the Waste Reduction Fee or pay the Waste Reduction Fee for the customer or advertise or state to any customer that any part of the Waste Reduction Fee will be refunded to the customer.
- E. For the purposes of this subsection, a restaurant is not a Retailer or a Retail Store.

8.36.050 Collection and Remittance of the Waste Reduction Fee

- A. The Waste Reduction Fee collected by the Grocer, Retailer, or Retail Store shall not be classified as revenue for the purposes of calculating sales tax.
- B. Each Grocer, Retailer, and Retail Store shall retain Five Cents (\$.05) of each Ten Cent (\$.10) Waste Reduction Fee it collects.
- C. The remaining Five Cents (\$.05) of each Ten Cent (\$.10) Waste Reduction Fee collected by each Grocer, Retailer, or Retail Store shall be due and remitted to the Town of Jackson Finance Department the last day of the month in which it was collected. The Town shall provide the necessary forms for Grocers, Retailers, and Retail Stores to file with each month's remittance.
- D. The Waste Reduction Fees collected by the Grocers, Retailers, and Retail Stores paid to the Town of Jackson Finance Department shall be deposited into the Waste Reduction Fee account.
- E. The Town of Jackson Finance Department shall remit all funds collected pursuant to this ordinance to the Teton County Integrated Solid Waste and Recycling Division.
- F. The Waste Reduction Fee shall be administered by the Teton County Integrated Solid Waste and Recycling Division.
- G. Waste Reduction Fees deposited in the Waste Reduction Account shall be used for the costs of the Plastic Bag Outreach Plan managed by Integrated Solid Waste and Recycling, which includes only:
 - 1. Integrated Solid Waste and Recycling-sponsored reusable bag distribution and retailer support; and
 - 2. Community litter clean up; and
 - 3. Integrated Solid Waste and Recycling Zero Waste Infrastructure and Program.
- H. No Waste Reduction Fee collected in accordance with this ordinance shall be used to supplant funds appropriated as part of The Town of Jackson Annual Budget.
- I. No Waste Reduction Fee collected in accordance with this ordinance shall revert to the Town of Jackson General Fund at the end of the fiscal year, or at any other time.

8.36.060 Exemptions

A Grocer, Retailer, or Retail Store may provide a Disposable Paper Bag to a customer at no charge to that customer if the customer provides evidence that he or she is a participant in a state or federal food assistance program.

8.36.070 Audits and Violations

- A. Each Grocer, Retailer, or Retail Store shall maintain accurate and complete records of the Waste Reduction Fees collected, the number of Disposable Paper Bags provided to customers, and any underlying records, including any books, accounts, invoices, or other records necessary to verify the accuracy and completeness of such records. It is the duty of each Retailer to keep and preserve all such documents and records, including any electronic information, for a period of three (3) years beginning at the end of the calendar year of such records.
- B. If requested, each Grocer, Retailer, and Retail Store shall make its records available for audit by the Town Manager or his/her designee during regular business hours for the Town to verify compliance with the provisions of this Chapter. All such records shall be treated as confidential commercial documents.
- C. Violation(s) of any of the requirements of this Chapter subject a Grocer, Retailer, or Retail Store to the following penalties:
 - 1. Any Person upon conviction of a violation of any provision of this Ordinance, shall be subject to the following penalties:
 - a. Fifty Dollars (\$50.00) for the first conviction.
 - b. One Hundred Dollars (\$100.00) for the second conviction.
 - c. For the third and all subsequent convictions there shall be a mandatory Jackson Municipal Court appearance and such penalty as may be determined by the Jackson Municipal Court pursuant to Jackson Municipal Code § 1.12.010.
 - 2. No more than one (1) citation shall be issued to a Grocer, Retailer, or Retail Store within any seven (7) calendar days.
- D. If payment of any portion of the Waste Reduction Fee is not received by the Town Finance Department on or before the tenth (10th) day of the following month after which the payment was due, a Ten Dollar (\$10.00) late fee shall be imposed per month until said payment is received.

SECTION II

All ordinances and parts of ordinances in conflict with the provisions of this ordinance are hereby repealed.

SECTION III

If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed as a separate, distinct and independent provision and such holding shall not affect the validity of the remaining portions of the ordinance.

SECTION IV

This Ordinance shall become effective after its passage, approval, and publication.

PASSED 1ST READING THE ____ DAY OF _____, 2018.

PASSED 2ND READING THE ____ DAY OF _____, 2018.

PASSED AND APPROVED THE ____ DAY OF _____, 2018.

TOWN OF JACKSON

BY: _____

Pete Muldoon, Mayor

ATTEST:

BY: _____

Sandy P. Birdyshaw, Town Clerk

ATTESTATION OF TOWN CLERK

STATE OF WYOMING)
)
) ss.
COUNTY OF TETON)

I hereby certify that the foregoing Ordinance No. _____ was duly published in the Jackson Hole News and Guide, a newspaper of general circulation published in the Town of Jackson, Wyoming, on the _____ day of _____, 2018.

I further certify that the foregoing Ordinance was duly recorded on page _____ of Book _____ of Ordinances of the Town of Jackson, Wyoming.

Sandy P. Birdyshaw
Town Clerk

Johnny Ziem

From: Michelle McCormick <michelle@lilypadcreative.com>
Sent: Sunday, April 15, 2018 2:20 PM
To: Roxanne DeVries Robinson
Subject: Plastic Bag Ordinance

Hi Roxanne,

I am very interested in this proposed ordinance. Let me know how I can get involved.

Thanks,
Michelle

Michelle McCormick
Lily Pad Creative
307 690 9124
www.lilypadcreative.com

Johnny Ziem

From: Alyssa Friedman <alyssafriedman33@gmail.com>
Sent: Wednesday, March 21, 2018 3:24 PM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Plastic Bag Comments

Dear Town Council Members and Staff,

I am writing in support of the single-use plastic bag ban and paper bag fee in Jackson, WY. This ordinance would substantially reduce our environmental impact, thus weighing the long term environmental health of our community over short term convenience. Further, this ban and fee ordinance is in line with, and a major step towards, the town's Zero-Waste goal.

Thank you,

Alyssa Friedman

--
Alyssa Friedman
CU Boulder, Classics MA 2015
University of Southern California, Classics BA 2011
alyssafriedman33@gmail.com
(949) 331-6923

Johnny Ziem

From: Paul Hansen <paulwhansen@me.com>
Sent: Thursday, January 04, 2018 12:41 PM
To: Town Council
Subject: Plastic Bag Comment

Town of Jackson Council

Re: Single-use plastic bag ordinance

I would like to respectfully request that the Town of Jackson pass an ordinance banning single use plastic bags and establishing a fee for paper bags.

Single use plastic bags are one of the most polluting and avoidable sources and are particularly expensive and difficult to recycle. According to a new study by the peer-reviewed journal *Science Advances*, there are now over 9 billion tons of plastic trash on earth – about one ton per person. They are often used for a few minutes before beginning an eternal afterlife, clogging storm drains, stuffing landfills, killing animals that eat them. The bags fall apart on land and in the ocean, where fish and other organisms consume the bite-size particles and may reabsorb the toxic substances. Those fish are eaten by other fish, and by people. Researchers estimate that by 2050, there will be more plastic in the oceans than biomass of marine life.

Many jurisdictions have started to do their part to show leadership on this issue. Hawaii, and California now have bans, as does Austin TX, Cambridge MA, Chicago IL, Los Angeles CA, and Seattle, WA. Boulder CO, Washington DC, Brownsville TX, and Montgomery Co MD, have fees. Mountain towns similar to Jackson, including Aspen, Carbondale, Basalt, Vail, Park City and Telluride all have bans in place on plastic bags, and fees of \$.10-20 on paper bags. Most of these measures have been in place for several years and are working quite well. More than 40 countries, including China, France, Kenya and Rwanda, have taxed, limited or banned plastic bags. By 2019, single use plastic bags can no longer be handed out free in Europe. These measures are effective. After England imposed a 5-pence charge on plastic bags in 2015, use dropped 85 percent in the first nine months.

In Jackson Hole we use over 5 million single use plastic bags per year and have no restrictions. In March 2011, Town of Jackson staff provided a comprehensive and excellent summary of this issue, but no action was taken. With 4-5 million visitors per year, Jackson has a real opportunity to lead by its example. We can do this in a way that leaves our merchants whole. In fact, as customers move toward reusable bags, store costs for providing free plastic and paper bags drop. Over the long haul, this can be financially beneficial for business. Impacts on lower income customers can easily be mitigated by providing used and other reusable bags for free.

Jackson simply cannot claim to be an environmentally sustainable location if it does not take this relatively simple step for which there are ample precedents.

Paul W. Hansen
1155 Melody Creek Lane
Jackson, WY
307 734-0330 (home)
307 413-8879 (cell)
paulwhansen@me.com

Johnny Ziem

From: Maxe Carter <wyo.maxe@gmail.com>
Sent: Wednesday, May 09, 2018 1:18 PM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Plastic bag ban

I fully support banning single use plastic bags in Jackson. I think we also need to take steps towards reducing all single use plastics in this town.

Johnny Ziem

From: Christine Schuler <c schuler77@yahoo.com>
Sent: Saturday, May 12, 2018 9:44 AM
To: Town Council
Subject: Plastic Bag Ban

Please place on the top of your list of things that need to be accomplished - a ban on single use plastic bags in our community.

Your attention to this matter would be greatly appreciated.

Sincerely,
Christine Schuler

Johnny Ziem

From: Dawn Webster <wyodawn@hotmail.com>
Sent: Tuesday, April 24, 2018 9:47 AM
To: Don Frank
Subject: Opinion re plastic initiative

Hi Don,

I hope you're well. I participate in the group with Andree Dean and many others that is working on reducing plastic waste in Jackson. If you have time, I'd love to meet with you about it. If you don't, I was wondering if you could share your thoughts on it with me. It's been delayed a bit, but might go to workshop in May, and I just wanted to make sure you knew what we were working on, and to hear if you had any concerns or suggestions.

Basically, we have asked the town to revisit a ban or fee on plastic grocery bags, building on the work the Town previously completed (reference Town of Jackson Meeting Agenda Documentation dated March 14, 2011). The Town did significant research then, and our group has done more recent research as other cities and mountain towns have passed ordinances. I believe Roxanne is working on a more current report to submit at that workshop. We are not seeking a total bag ban, but elimination of plastic bags at grocery stores to begin with, and a fee on paper. There would be many exclusions, including dry cleaner's bags, bags to wrap meat/plants/wet items, etc. We have spoken to the grocery stores and have support from most, as well as support from Teton Co. Solid Waste & Recycling, and Jackson Cupboard, to name a few.

I know you're very busy, but if you have time to meet, let me know. If not, I'd love to hear your concerns and suggestions via email.

Thank you,
Dawn Webster

Johnny Ziem

From: Justin Dersham <justindersham@gmail.com>
Sent: Friday, May 11, 2018 10:39 AM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Jackson Plastic Bag Ban Endorsement

To whom it may concern:

I am writing in hopes of moving the needle on getting plastic bags banned here in Jackson. There are so many alternatives to plastic to carry items and I would like to see Jackson as a leader in this area. We live in such a beautiful and diverse eco system and this backdrop should serve as an inspiration to do as much as we can to see that this Earth is left in a better place for future generations. Please take this under consideration as it would be an amazing step towards making this community a better and more progressive place.

I want to the council for taking the time to read this and for thoughtfully considering this request. It's a small step that could go a long way for our community!

Thanks,
Justin Dersham

--
JUSTIN DERSHAM
PRODUCER - DIRECTOR - EDITOR
P: 970-391-5295
WWW.JUSTINDERSHAM.COM

Johnny Ziem

From: Galen Karnatz <galenknatz@gmail.com>
Sent: Tuesday, May 15, 2018 3:54 PM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Jackson Plastic Bag Ban Endorsement

Dear Jackson Town Council,

I am writing on behalf of my endorsement for the plastic bag ban initiative being brought before the town council next week. I think this is a great step towards reducing waste in our community and taking care of the wonderful outdoor resources that we value so highly here in Jackson. Banning plastic bags is a big advancement towards a more sustainable minded community and can make a huge difference in the amount of waste we consume.

Thank you for your countless hours of hard work and dedication to making our community a safer, vibrant and more sustainable place to live. Jackson is truly a special place and wouldn't be the same without dedicated people making our community a better place to live. I hope that we can follow in the footsteps of many other similar mountain towns and unite in the ban of plastic bags and unnecessary waste.

Cheers,

Galen Karnatz

Johnny Ziem

From: Reanna <reanna.new@gmail.com>
Sent: Tuesday, May 15, 2018 3:49 PM
To: Roxanne DeVries Robinson; Town Council
Subject: Jackson Plastic Bag Ban Endorsement

Dear Jackson Town Council,

I am writing to voice my support of a total ban on plastic bags and a fee for paper bags in the town of Jackson. These single-use bags are extremely wasteful, they take up space in our landfill and many bags inevitably end up in our rivers, streams and forests. Please take this step towards reducing our footprint and moving towards a zero-waste destination. Thank you for your hard work and dedication to making Jackson a better place to live and vacation.

Best regards,

Reanna New

Johnny Ziem

From: Sasha Bogdanovics <abogdanovics@gmail.com>
Sent: Sunday, May 13, 2018 5:36 PM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Jackson Plastic Bag Ban Endorsement

Dear Jackson Town Council,

I am writing to give my endorsement to pass a town ordinance banning the distribution of plastic bags at grocery stores and implementing a 20 cent fee on paper bags. Our wonderful community in the greater Teton County is so appreciative of the planet we live on, and all we really need is the extra push to remember to bring our reusable bags to grocery stores! We as citizens are so capable of making this a successful movement. These small steps can make such a difference in the future of our beautiful town and our planet.

I also want to thank you so much for your hard work, as I know this is not an easy change and it requires serious dedication from our community leaders! I am so appreciative of all that you do.

Sincerely,

Sasha Bogdanovics

Johnny Ziem

From: Kyle Chynoweth <kyle.chynoweth@gmail.com>
Sent: Saturday, May 12, 2018 12:03 PM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Jackson Plastic Bag Ban Endorsement

Jackson Town Council,

I would like to endorse the Plastic Bag Ban. I believe its important to decrease plastic use here in Jackson. As a community that loves the outdoors I think people will be happy to bring reusable shopping bags and this ban would be a great way to incentivize that.

Thank you guys for putting something like this together. You guys are the unsung heroes of this town and I appreciate your hard work!

Thanks,
Kyle

Johnny Ziem

From: Dawn Webster <wyodawn@hotmail.com>
Sent: Monday, May 14, 2018 3:43 PM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Jackson plastic bag ban endorsement

Hello Roxanne,

I just wanted to thank you, the Town Council, and others at the town for gathering information and considering a ban on one-time-use plastic bags in Jackson. I know this initiative failed to pass before, but I am hopeful that now the time is right. This is an important step in reducing waste and keeping plastics out of our water. Jackson is a beautiful place with citizens intent on protecting it. I hope in this instance that our actions can align with our intentions. I fully support a plastic bag ban in Jackson. Thank you for your time.

Best,
Dawn Webster

Johnny Ziem

From: Chris Perkins <perkincw@gmail.com>
Sent: Friday, May 11, 2018 6:26 AM
To: Roxanne DeVries Robinson
Cc: Town Council
Subject: Jackson Plastic Bag Ban Endorsement

Jackson Town Council-

I'm writing today with a full-throated support of the proposed plastic bag ban on the agenda this May 21.

Something that's always inspired me about living in Jackson is our potential to use our leverage for good—we're a small place, but with big influence. With millions of visitors every year, we have a huge opportunity not only to influence the trash output within our community, but also to inspire an ethic amongst others as they return home to create less waste.

A plastic bag ban would be a strong step towards reducing waste in town and bring us in line with other leading cities who have decided that for them, the environment is our future.

Thank you so much for your thoughtfulness in considering the issue, and for your effort in strengthening the community. It's so appreciated.

Best,

Chris Perkins
Jackson, WY

Johnny Ziem

From: Roxanne DeVries Robinson
Sent: Monday, May 14, 2018 4:41 PM
To: Johnny Ziem
Subject: FW: Plastic Bag Ban endorsement

Thank you!

ROXANNE DEVRIES ROBINSON
ASSISTANT TOWN MANAGER
TOWN OF JACKSON
P.O. Box 1687
JACKSON, WY 83001
(307) 733-3932 x1107
rrobinson@jacksonwy.gov

CORRESPONDENCE, INCLUDING E-MAIL, TO AND FROM EMPLOYEES OF THE TOWN OF JACKSON AND ELECTED OFFICIALS OF THE TOWN OF JACKSON, IN CONNECTION WITH THE TRANSACTION OF PUBLIC BUSINESS, IS SUBJECT TO THE WYOMING PUBLIC RECORDS ACT AND MAY BE DISCLOSED TO THIRD PARTIES.

THE INFORMATION CONTAINED IN THIS TRANSMISSION MAY CONTAIN PRIVILEGED AND CONFIDENTIAL INFORMATION AND IS INTENDED ONLY FOR THE USE OF THE PERSON(S) NAMED ABOVE. IF YOU ARE NOT THE INTENDED RECIPIENT, OR AN EMPLOYEE OR AGENT RESPONSIBLE FOR DELIVERING THIS MESSAGE TO THE INTENDED RECIPIENT, ANY REVIEW, DISSEMINATION, DISTRIBUTION OR DUPLICATION OF THIS COMMUNICATION IS STRICTLY PROHIBITED. IF YOU ARE NOT THE INTENDED RECIPIENT, PLEASE CONTACT THE SENDER IMMEDIATELY BY REPLY E-MAIL AND DESTROY ALL COPIES OF THE ORIGINAL MESSAGE.

Please consider the environment before printing this e-mail.

From: Shirley Thomas [mailto:shirley83001@gmail.com]
Sent: Monday, May 14, 2018 4:27 PM
To: Roxanne DeVries Robinson <rrobinson@jacksonwy.gov>
Subject: Fwd: Plastic Bag Ban endorsement

Dear Roxanne,
Our email to the Town council.

Shirley & Dan Thomas

----- Forwarded message -----

From: Shirley Thomas <shirley83001@gmail.com>
Date: Mon, May 14, 2018 at 4:25 PM
Subject: Plastic Bag Ban endorsement
To: council@townofjackson.com

Dear Town Councilors,

We would first like to thank you for the dedication & hard work you have put into our community. It is a special place & we know you understand that.

Secondly, we fully endorse a ban on plastic bags in our community. We have been using reusable bags for many years & although it took a bit of time to get 'in the habit' we now never use a plastic bag. Not only do we use reusable bags for grocery shopping, but also for all other shopping trips. It's easy & we know we are doing our part to lessen the impact of plastic in our environment.

Our community has been working very hard toward sustainability. This is a wonderful goal. We cannot continue on this path without this important piece. We do not have to tell you the terrible impact these plastics have on the environment, so we just hope you will have the foresight & courage to enact the ban. Other resort communities have bans with no untoward effects. In fact when we go to a community with a ban, we are impressed.

This decision is yours. Hope you will go forward & just do it!!

Sincerely,
Shirley & Dan Thomas

Johnny Ziem

From: Roxanne DeVries Robinson
Sent: Tuesday, May 15, 2018 8:00 AM
To: Johnny Ziem
Subject: FW: Jackson Plastic Bags
Attachments: Caught in plastic bag.jpg

Thank you!

ROXANNE DEVRIES ROBINSON
ASSISTANT TOWN MANAGER
TOWN OF JACKSON
P.O. Box 1687
JACKSON, WY 83001
(307) 733-3932 x1107
rrobinson@jacksonwy.gov

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Please consider the environment before printing this e-mail.

From: Lisa Robertson [mailto:lisarob22@gmail.com]
Sent: Monday, May 14, 2018 9:44 PM
To: Roxanne DeVries Robinson <rrobinson@jacksonwy.gov>
Cc: Town Council <electedofficials@jacksonwy.gov>
Subject: Jackson Plastic Bags

Dear Jackson Town Council,

I understand that there is a strong campaign underway to reduce our community's use of plastic bags. Bravo! The shift to greener alternatives is long past due in JH, and it seems like it's the time to join with those communities who have lead the way. I am lucky to spend quite a bit of time in Hawaii, a state that has banned plastic bags in all grocery stores. I have never heard a single person complain about not bagging their groceries in plastic. The plastic bag ban regulation was passed, and everyone moved on. As a result... the islands are cleaner, the oceans are cleaner, waste is reduced and all of us benefit.

Thank you all for your dedication to creating a more sustainable community. I will be proud to live in a plastic bag-free community!

With great gratitude,
Lisa Robertson
307-690-9528



Johnny Ziem

From: Roxanne DeVries Robinson
Sent: Tuesday, May 15, 2018 2:17 PM
To: Johnny Ziem
Subject: FW: Jackson Plastic Bag Ban Endorsement

Thank you!

ROXANNE DEVRIES ROBINSON
ASSISTANT TOWN MANAGER
TOWN OF JACKSON
P.O. Box 1687
JACKSON, WY 83001
(307) 733-3932 x1107
rrobinson@jacksonwy.gov

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Please consider the environment before printing this e-mail.

From: Ashley Watson [mailto:ashleyrwatson@gmail.com]
Sent: Tuesday, May 15, 2018 1:36 PM
To: Roxanne DeVries Robinson <rrobinson@jacksonwy.gov>; Town Council <electedofficials@jacksonwy.gov>
Subject: Jackson Plastic Bag Ban Endorsement

Dear Jackson Town Council,

I am writing to express my support for a total ban on plastic bags and a fee for paper bags in the town of Jackson. I own a grocery delivery service called Mountains of Groceries, thus I spend A LOT of time in the grocery stores. I have used reusable canvas bags since I founded my business in 2006, and conservation has always been a big part of my life. It pains me to see how many of these single-use plastic bags leave the grocery stores

every day (approximately 3.5 million bags per year according to my research with the grocery stores!!!), only to end up in our dump in the best case, and in our rivers, streams, lakes, and forests in the worst case. Please, for the sake of our valley and our planet, move forward with the total ban of plastic bags in Jackson Hole.

Thank you so much for taking the time to read this, and for all that you are doing to make our community the best place it can be for generations to come. Your hard work is noticed and greatly appreciated.

Kindly,
Ashley Watson

--
Ashley Watson

Mountains of Groceries
<http://www.mountainsofgroceries.com/>
(307) 699-4901

Please consider the environment before printing this email.

Johnny Ziem

From: Roxanne DeVries Robinson
Sent: Tuesday, May 15, 2018 8:09 PM
To: Johnny Ziem
Subject: FW: Jackson Plastic Bag Ban Endorsement

Thank you!

ROXANNE DEVRIES ROBINSON
ASSISTANT TOWN MANAGER
TOWN OF JACKSON
P.O. Box 1687
JACKSON, WY 83001
(307) 733-3932 x1107
rrobinson@ci.jackson.wy.us

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Please consider the environment before printing this e-mail.

From: Chloe Showell <flowersbychloe@gmail.com>
Sent: Tuesday, May 15, 2018 5:59 PM
To: Roxanne DeVries Robinson <rrobinson@jacksonwy.gov>; Town Council <selectedofficials@jacksonwy.gov>
Subject: Jackson Plastic Bag Ban Endorsement

Dear Jackson Town Council,

I am writing to voice my support of a total ban on plastic bags and a fee for paper bags in the town of Jackson. These single-use bags are extremely wasteful, they take up space in our landfill and many bags inevitably end up in our rivers, streams and forests. Please take this step towards reducing our footprint and moving towards a zero-waste destination. Thank you for your hard work and dedication to making Jackson a better place to live and vacation.

Kind Regards,

Chloe

--

Flowers by Chloe

307.699.4237 cell

Post Office Box 7264

Jackson WY, 83002

www.flowersbychloejh.com

Johnny Ziem

From: Roxanne DeVries Robinson
Sent: Tuesday, May 15, 2018 2:26 PM
To: Johnny Ziem
Subject: FW: Ban single use plastic bags

Thank you!

Roxanne DeVries Robinson
Assistant Town Manager
Town of Jackson
P.O. Box 1687
Jackson, WY 83001
(307) 733-3932 x1107
rrobinson@jacksonwy.gov

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Please consider the environment before printing this e-mail.

-----Original Message-----

From: Espe Herrada [mailto:spherrada@gmail.com]
Sent: Tuesday, May 15, 2018 9:34 AM
To: Roxanne DeVries Robinson <rrobinson@jacksonwy.gov>
Cc: council@jacksonqy.gov
Subject: Ban single use plastic bags

Of all the towns in country Jackson, Wy should ban single use plastic bags this spring! My God, we have two famous National Parks In our backyards. Our wildlife habitat needs all the protection we can give it!! Since 2011 the decision has been delayed, make our community one we can continue to be proud of and one that supports sustainability. Our landfills and oceans continue to be seriously and irreversibly harmed!

Sincerely,
Espe Herrada
Teton County, Wy
Full time resident since 2008

Sent from my iPhone

Johnny Ziem

From: Jordyn Kantor <jordynkantor@gmail.com>
Sent: Wednesday, April 25, 2018 12:24 PM
To: Town Council
Cc: oliveb@student.tcsd.org
Subject: Workshop on May 21

Dear Town Council,

Our names are Jordyn Kantor and Olivia Webb and we are 7th grade students at the Jackson Hole Middle school. We are very passionate about plastic pollution and how it is affecting our environment, and we heard that there was a workshop on May 21. Is there any way we can contribute to the workshop by sharing our insights and research? Thank you for considering.

-Jordyn and Olivia

Johnny Ziem

From: Valerie Hawksley Beck <metafore@frii.com>
Sent: Thursday, May 10, 2018 2:51 PM
To: Town Council
Subject: Re: Your pending decision on restricting plastic bags

Dear Council Members,

As a full-time Jackson Hole resident, a board member of the conservation group Polar Bears International and board member of other local non-profits, I urge you to enact restrictions on one-time-use plastic shopping bags and impose fees for paper bags, both of which can have a quick and significant impact on our town, our state—and indeed, our entire planet, flora, and fauna.

This is such an obvious, simple step in the right direction—one that so clearly fits into our community's environmental ethos—that it seems impossible to ignore. Please stand up for common sense.

Sincerely,

Valerie Beck
metafore@frii.com

6645 N Lower Cascades Drive
Jackson WY 83001

307 690 9426

Johnny Ziem

From: Jordyn Kantor <jordynkantor@gmail.com>
Sent: Wednesday, April 18, 2018 12:56 PM
To: Pete Muldoon; oliweb@student.tcsd.org
Subject: Re: Plastic Bag Restriction

Hello Mr. Muldoon,

Our project consists of many components and in order to get done some of the things we need to accomplish, it would be very helpful if you would respond. We need to find a time to meet with you and discuss our petition. If by any chance you could let us know by next Tuesday the 24th, that would be great.

Regards, Jordyn and Olivia

On Thursday, April 12, 2018, Jordyn Kantor <jordynkantor@gmail.com> wrote:

Dear Mr. Muldoon,

Our names are Jordyn Kantor and Olivia Webb. We are 7th grade students at the Jackson Hole Middle School. For our Language Arts class, we were asked to select a topic that we are passionate about to research, write about and create a guts factor (stepping out of your comfort zone to implement a change), and immediately thought of what we could do for our local community. We realized that pollution is a major issue worldwide and by making a change in Jackson, we can start small and carry on with this if it is successful. A large percentage of pollution is plastic, and plastic bags are a common form of plastic. In Jackson, every grocery store carries plastic bags, and although they do offer alternative options, no one seems to want to purchase them. Olivia and I were walking outside mid-day and observed all of the plastic and barely any trash. We know that other plastic items are very harmful, but consider this. Everything that we saw outside of our school most likely started off in a plastic bag after being purchased from the store. Olivia and I would like to take a stand in our community by reducing the amount of plastic being used and keep our paradise as clean as possible. By eliminating the plastic that plastic is bought in, we are decreasing half of the plastic problem in Jackson. We have a solution to our problem and would appreciate it if you could discuss it in person. This is a pressing issue with us and we have a deadline for things that we would like to accomplish. We would be obliged for a response by next Tuesday the 17th.

Thank you for your time and consideration. Please respond to jordynkantor@gmail.com with any questions or concerns.

Sincerely,

Jordyn Kantor and Olivia Webb

Johnny Ziem

From: Jordyn Kantor <jordynkantor@gmail.com>
Sent: Monday, April 23, 2018 10:36 PM
To: Pete Muldoon
Subject: Re: Plastic Bag Restriction

Hello Mr. Muldoon,

We were wondering what we can do contribute to the workshop on May 21. If there is any way we can participate, that would be great. Please let us know when you are available and we can possibly schedule a meeting or phone call.

Thank you,
Jordyn and Olivia

On Wed, Apr 18, 2018 at 3:08 PM, Pete Muldoon <pmuldoon@jacksonwy.gov> wrote:

Hello Jordyn and Olivia,

I apologize for the delay in replying - we've had a really hectic meeting schedule, so thanks for understanding. And thanks for your interest in this project! I have met with a couple students last year, as well as other concerned citizens. The council has subsequently moved ahead and directed staff to provide us with options for an ordinance to reduce or eliminate the use of plastic bags within the Town of Jackson. They'll be presenting that at our next workshop at town hall on May 21. That may be helpful for background.

I'm not in town this week, but I'm free during the day if you'd like to schedule a phone call. I can do this today through Friday. Thanks!

-Pete

Pete Muldoon
Mayor
Town Of Jackson, WY

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On Apr 18, 2018, at 2:56 PM, Jordyn Kantor <jordynkantor@gmail.com> wrote:

Hello Mr. Muldoon,

Our project consists of many components and in order to get done some of the things we need to accomplish, it would be very helpful if you would respond. We need to find a time to meet with you and discuss our petition. If by any chance you could let us know by next Tuesday the 24th, that would be great.

Regards, Jordyn and Olivia

On Thursday, April 12, 2018, Jordyn Kantor <jordynkantor@gmail.com> wrote:

Dear Mr. Muldoon,

Our names are Jordyn Kantor and Olivia Webb. We are 7th grade students at the Jackson Hole Middle School. For our Language Arts class, we were asked to select a topic that we are passionate about to research, write about and create a guts factor (stepping out of your comfort zone to implement a change), and immediately thought of what we could do for our local community. We realized that pollution is a major issue worldwide and by making a change in Jackson, we can start small and carry on with this if it is successful. A large percentage of pollution is plastic, and plastic bags are a common form of plastic. In Jackson, every grocery store carries plastic bags, and although they do offer alternative options, no one seems to want to purchase them. Olivia and I were walking outside mid-day and observed all of the plastic and barely any trash. We know that other plastic items are very harmful, but consider this. Everything that we saw outside of our school most likely started off in a plastic bag after being purchased from the store. Olivia and I would like to take a stand in our community by reducing the amount of plastic being used and keep our paradise as clean as possible. By eliminating the plastic that plastic is bought in, we are decreasing half of the plastic problem in Jackson. We have a solution to our problem and would appreciate it if you could discuss it in person. This is a pressing issue with us and we have a deadline for things that we would like to accomplish. We would be obliged for a response by next Tuesday the 17th.

Thank you for your time and consideration. Please respond to jordynkantor@gmail.com with any questions or concerns.

Sincerely,

Jordyn Kantor and Olivia Webb

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Johnny Ziem

From: Beverly Boynton <boyntonb@gmail.com>
Sent: Saturday, May 12, 2018 1:03 PM
To: Town Council
Subject: plastic bags

paul hansen wrote a great piece in this week's JHN&G on the harms of plastic bags. of course you have your own studies and information on this issue, and most if not all residents and visitors to JH also know of the harm done.

it is past time to take action, and ban single use plastic bags in jackson. no theoretical convenience to a consumer is worth the damage done to the environment. education and persuasion has made a difference, but only goes so far. if we as a community can't get it together to ban such a harmful product, what hope do we have.

NO MORE SINGLE USE PLASTIC BAGS PLEASE. thanks for doing what needs doing.

Johnny Ziem

From: Flynn Ellis <flynn.ellis@journeysschool.org>
Sent: Tuesday, April 17, 2018 1:48 PM
To: Pete Muldoon
Subject: Plastic bags

Dear Pete Muldoon,

My name is Flynn and I'm working with Anna.

We are students at the Journeys School and we are doing a project on plastic bags and their effect on the ecosystem in Jackson and if we need them in Jackson.

If possible can we talk to you on Thursday this week any time between 2:10 to 3:00 pm? Or if you prefer you can answer the questions below. We want to talk because we are looking at the issue of plastic bags being in Jackson and we feel like you might be an important person to help answer some questions.

What is your view on plastic bags.?

Do you feel like they affect our community ?

Do you think the town could get rid of plastic bags.?

If yes what would the process be to get rid of plastic bags?

If no why?

Do you think the town would be benefited from no plastic bags?

Could the town put a price on all plastic bags if the town could not get rid of them?

How do you think people will react if the town gets rid of plastic bags ?

Have other people in Jackson tried to do this?

Could the town start with an ordinance ?

Would it cost to get rid of plastic bags?

-- From Flynn and Anna

Flynn Ellis

Student | Journeys School of Teton Science Schools

Teton Science Schools inspires curiosity, engagement, and leadership through transformative place-based education.

Johnny Ziem

From: Jordyn Kantor <jordynkantor@gmail.com>
Sent: Thursday, April 12, 2018 5:55 PM
To: Pete Muldoon
Cc: oliveb@student.tcsd.org
Subject: Plastic Bag Restriction

Dear Mr. Muldoon,

Our names are Jordyn Kantor and Olivia Webb. We are 7th grade students at the Jackson Hole Middle School. For our Language Arts class, we were asked to select a topic that we are passionate about to research, write about and create a guts factor (stepping out of your comfort zone to implement a change), and immediately thought of what we could do for our local community. We realized that pollution is a major issue worldwide and by making a change in Jackson, we can start small and carry on with this if it is successful. A large percentage of pollution is plastic, and plastic bags are a common form of plastic. In Jackson, every grocery store carries plastic bags, and although they do offer alternative options, no one seems to want to purchase them. Olivia and I were walking outside mid-day and observed all of the plastic and barely any trash. We know that other plastic items are very harmful, but consider this. Everything that we saw outside of our school most likely started off in a plastic bag after being purchased from the store. Olivia and I would like to take a stand in our community by reducing the amount of plastic being used and keep our paradise as clean as possible. By eliminating the plastic that plastic is bought in, we are decreasing half of the plastic problem in Jackson. We have a solution to our problem and would appreciate it if you could discuss it in person. This is a pressing issue with us and we have a deadline for things that we would like to accomplish. We would be obliged for a response by next Tuesday the 17th.

Thank you for your time and consideration. Please respond to jordynkantor@gmail.com with any questions or concerns.

Sincerely,
Jordyn Kantor and Olivia Webb