

Carryout Bag Fee Overturned By Voters In Durango, Colorado

CITIZENS TAKE ACTION TO PUSH BACK ON BAG BANS AND FEES

By Anthony van Leeuwen, 21 November 2013

On November 5, 2013 voters in Durango, Colorado voted to overturn the Carryout Bag Fee Ordinance by a vote of 2,674 to 2087 or 56.16% to 43.84%.

In August, 2013 the Durango City Council voted 4-1 to adopt an ordinance that places a 10-cent fee on both paper and plastic bags distributed by the city's three grocers and any other business that chooses to opt-in. Under the ordinance, the 10-cent fee on paper and plastic carryout bags is collected by the retailer with 50% going to the city. The funds collected by the city can only be used for environmental projects. (Hurst, 2013) The fee was intended to encourage shoppers to purchase and use reusable bags instead of paper and plastic disposable carryout bags. (Slothrower, 2013)

Councilor Keith Brant, who voted against the ordinance, stated that "he opposed the tax only because proponents never defined the problem plastic bags pose." (Hurst, 2013) Councilor Brant also predicted that there would be push-back and that there is enough anger in the community to possibly overturn the measure through an election. (Hurst, 2013) (Haug, 2013) Councilor Brant also expressed concern about the slippery slope of the government imposing its values on others. (Haug, 2013)

Councilor Christina Rinderle said the fee is about creating awareness and changing behavior. Councilor Dick White stated that the 10-cent fees have resulted in reduced use of disposable bags by 90% in other cities such as Washington, D.C. (Haug, 2013)

A small group of citizens formed a Facebook group to organize against the new bag tax. (Hurst, 2013) The Facebook group is called [No Durango Bag Tax](#). A [website](#) with the same name was also created. Kristen Smith, a member of the No Durango Bag Tax group stated "I'm just happy that the voters in Durango exercised some adult supervision on their extreme and juvenile City Council. We worked hard to defeat it ...". Dave Peters, who helped to lead the campaign to repeal the bag tax, stated that he felt all along that the ordinance needed to be decided by voters. (Slothrower, 2013)

A group called [Durango Bag It](#) has been raising awareness about plastic bags for several years and was instrumental in getting the issue before the city council. (Haug, 2013) Their campaign involved canvassing, robocalls, advertisements, and other outreach efforts by environmental activists and students. (Slothrower, 2013) Ellen Stein who led the effort for the bag tax blamed the defeat on the anti-governmental political environment after a government shutdown and problems with implementing health care reform. (Meyer, 2013)

The vote to repeal the City Council passed ordinance to tax carryout bags is unprecedented and a setback for Durango's passionate environmental community. (Slothrrower, 2013)

Some interesting points made by [No Durango Bag Tax](#) on their website:

- Supporters of the bag tax repeal believe it's NOT within the city government's duties to do "social engineering".
- The Durango bag tax takes the focus AWAY from what Durango City Councilors were elected to do.
- Surveys show plastic grocery bags are a very small part of litter in Durango.
- This bag tax (bag fee) and the manner in which it was passed is a clear violation of the Taxpayers Bill of Rights (TABOR). TABOR prevents Colorado elected officials from imposing taxes upon the citizens without the vote of the electors.
- In a growing city of approximately 17,000 residents, many concerned citizens have pointed out that not only city residents will be affected by this tax, but county residents will be forced into compliance with this new ordinance as they shop for groceries at the stores nearest to their homes.
- La Plata County contains a growing population of over 52,401 residents, many of whom do not agree with the ban, but have no voting voice in the matter. Many believe the ban should be put up to the vote of the county.

Residents of Durango represent the latest in a string of examples of citizens fighting back against bag bans and bag fees. Residents in Homer, Alaska repealed their bag ban by a vote of 661-519 or 56% to 44%. (City of Homer, 2013) Residents of Newport, Oregon voted down their bag ban by a vote of 1,486 to 1,112 or 57.19% to 42.80%. (Lincoln County Colorado, 2013) Similarly, a repeal initiative was just approved in Issaquah, Washington and on the February 11, 2014 ballot and another initiative is in process of qualifying for the ballot in Campbell, California.

About The Author

Anthony van Leeuwen is the founder of the [Fight The Plastic Bag Ban](#) website and writes extensively on the subject. He holds a bachelors and Master's degree in Electronics Engineering and has over 40 years of experience working in the federal government.

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