

59 **11-58-201. Limitation on local regulation.**

60 (1) A local government entity may not:

61 (a) regulate, prohibit, or restrict the use, disposition, or sale of an auxiliary container;

62 or

63 (b) impose a fee ~~§~~ ~~→~~ ~~or tax~~ ~~←~~ ~~§~~ on an auxiliary container, regardless of whether the fee

63a ~~§~~ ~~→~~ ~~or tax~~ ~~←~~ ~~§~~ is

64 at the retail, manufacturer, or distributor level.

65 (2) A local government entity's action that violates Subsection (1) is invalid.

66 (3) This section preempts any local government entity's action that violates Subsection

67 (1), regardless of when the local government entity took the action.

68 Section 4. Section **11-58-202** is enacted to read:

69 **11-58-202. Scope.**

70 (1) This chapter does not affect:

71 (a) a local government entity's authority to regulate solid waste, operate a commercial

72 or curbside recycling program, or designate one or more commercial or residential recycling

73 locations; or

74 (b) any agreement related to the disposal of solid waste.

75 (2) The provisions of this chapter do not apply to the use of an auxiliary container on

76 property owned by a local government entity.

Legislative Review Note
Office of Legislative Research and General Counsel