

ORDINANCE NO. 062, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 12-29 AND 12-30 OF THE CODE OF THE
CITY OF FORT COLLINS TO UPDATE THE RESIDENTIAL
WASTE COLLECTION PROGRAM

A. Colorado Revised Statutes § 30-15-401(7.5) authorizes the City to establish a residential waste collection program (the “Program”), through which the City can require municipal residents in single-unit residences and multi-unit residences with seven or fewer dwelling units to use or pay user charges for residential waste services.

B. On July 19, 2022, in Resolution 2022-079, the City Council directed City staff to design and issue a request for proposals for residential waste collection services, including trash and recycling collection services for purposes of establishing a waste collection program as authorized by C.R.S. § 30-15-401(7.5).

C. On April 18, 2023, through Ordinance No. 054, 2023, the Council authorized the City to establish the Program, and through Ordinance No. 055, 2023, authorized the City to enter into a contract with a waste hauler (the “Contractor”) to provide residential waste collection services under the Program. The Council determined that adoption of the Program would improve waste collection in the City including by: increasing equity and lowering pricing; increasing composting of yard trimmings; reducing greenhouse gas emissions; saving on street maintenance; and ensuring a high level of waste collection customer service with enforcement capability.

D. Through Ordinance No. 054, 2023, the Council adopted Code changes that created the structure of the Program. City Code Section 12-29 excludes certain properties from the Program, including commercial buildings, larger multi-family buildings, certain group accounts, and properties “served by a dumpster”. Additionally, Section 12-30 authorizes the Director of the Environmental Services Department to issue two types of variances to the Program: the shared service variance and the excess waste variance.

E. Republic Services began providing residential waste collection services under this Program on September 30, 2024. Since initiation of the Program, City staff have received a significant amount of feedback on the Program’s design. After consideration of this feedback, City staff recommend that the Program design be amended to clarify and expand on the Program exceptions in Section 12-29 and create two new Program variances in Section 12-30.

F. For the Program exceptions, City staff has recommended two modifications: First, clarify the exclusion for properties served by a dumpster to apply to properties with a dumpster located on the property or on a neighboring common area; and second, allow the City Manager to exclude properties from the Program where it is not possible for the Contractor to safely provide curbside or alley service as is required per City Code and the Contract.

G. For the Program variances, City staff has recommended creating two new types of variances: a Remote Dumpster Variance and a Habitability Variance. The Remote Dumpster Variance allows a residence to be excluded from the Program for two years if the residence owner or occupant has a contract with a hauler to use a dumpster somewhere in the City. The Habitability Variance allows a residence to be excluded from the Program for up to ninety days if the residence is unsafe for human habitation for at least thirty days.

H. The Council desires to enact the Program exceptions and Program variances staff has recommended, as set forth in this Ordinance.

In light of the foregoing recitals, which the Council hereby makes and adopts as determinations and findings, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. Section 12-29 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-29. Program exclusions and opting-in to the program.

...

(b) AllAny residential units served by a dumpster located either on the residential unit property or a neighboring common area for the residential unit is are excluded from the City residential waste collection program.

(c) Commercial customers, multi-family customers, and owners or occupants of a residential unit served by a dumpster as described in subsection (b) of this section may elect to participate in the City's dumpster program by requesting service from the City's contracted waste collector subject to the program requirements set forth in the City's waste collection contract and as contained in this Article.

...

(e) The City Manager may, in their reasonable discretion, designate a specified residential unit as excluded from the City's residential waste collection program if the provision of residential waste collection services to that residential unit would create a substantial likelihood of harm to persons or property. The City's residential waste collection program may make a petition with supporting evidence for such a designation to the City Manager. Any such designation or rescission of the designation must be made by rule.

Section 2. Section 12-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-30. Variances.

(a) Program customers may request a variance from the program to apply to a residential unit pursuant to this Section. Program customers may request a shared service variance under Subsection (d)(1) of this Section, ~~or an excess waste variance~~ under Subsection (d)(2) of this Section, or a remote dumpster variance under Subsection (d)(3) of this Section. An owner of a residential unit may request a habitability variance for the residential unit under Subsection (d)(4) of this Section.

...

(c) A variance granted under ~~this Section~~ Subsection (d)(1), (d)(2) or (d)(3) of this Section shall be valid for twenty-four (24) months. A variance granted under Subsection (d)(4) of this Section shall be valid for ninety (90) days. A granted variance shall exclude the grantee's residential unit from the City's residential waste collection program for the duration of the variance and accordingly, the grantee shall not be subject to any of the requirements of §12-32 for that period, including any requirement to pay the City's contracted waste collector any charge or fee under the City's residential waste collection program.

(d) Program customers may request a variance from the program for the following situations:

...

(2) An excess producer variance will ~~shall~~ only be granted if the program customer provides proof, to the reasonable satisfaction of the Director, that the program customer consistently produces solid waste in an amount greater than the volume of the largest cart service offered by the City's contracted waste collector.

(3) A remote dumpster variance will be granted by the Director if the program customer provides proof, to the reasonable satisfaction of the Director, that the program customer has contracted with a solid waste collector for the right to dispose of solid waste in a dumpster located within the City.

(4) A habitability variance will be granted by the Director for a residential unit if the owner of the residential unit provides proof, to the reasonable satisfaction of the Director, that the residential unit is and will continue to be unsafe for human habitation for a period of not less than thirty (30) days.

Introduced, considered favorably on first reading on April 1, 2025, and approved on second reading for final passage on April 15, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: April 25, 2025
Approving Attorney: Ted Hewitt