

ORDINANCE NO. 057, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 12-30 OF THE CODE OF THE CITY OF
FORT COLLINS TO UPDATE THE RESIDENTIAL WASTE
COLLECTION PROGRAM TO ADD A MULTI-HOUSING
VARIANCE

A. Colorado Revised Statutes (“C.R.S.”) § 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. Section 12-29 of the City Code excludes certain properties from the Program, including commercial buildings, larger multi-household buildings, certain group accounts, and properties “served by a dumpster”. Additionally, Code 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. Through Ordinance No. 062, 2025, the Council adopted Code changes that adopted two additional variances: a remote dumpster variance and a habitability variance.

E. The Program requires all residential units, which includes units within multi-household residential buildings containing seven (7) dwelling units, to receive waste collection services under the Program or to pay the opt-out fee, meaning owners who continued shared arrangements after launch of the Program are now required to pay one or more opt-out fees, even when total waste production has not increased. This results in disposal costs that are higher than actual use warrants and are misaligned with Pay-As-You-Throw (PAYT) and Zero Waste goals. The City seeks to improve alignment with these City goals by creating a new variance, the multi-housing variance.

F. The multi-housing variance will allow owners of units within small, multi-household buildings that are subject to the Program to have the units share carts for residential trash, recycling, and yard trimmings collection. The variance request must specify the level of solid waste service requested and the number of refuse containers requested for the subject residential units. The Director of Environmental Services will grant the variance if the Director is reasonably satisfied that the requested service level and number of refuse containers will meet the residential waste collection needs of the residential units.

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 that 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, 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. An owner of multiple residential units within one (1) multi-unit structure may request a multi-housing variance under Subsection (d)(5) of this Section.

...

(c) A variance granted under 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 variance granted under Subsection (d)(5) of this Section shall be valid for five (5) years. 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:

...

(5) A multi-housing variance may be granted by the City in accordance with the following provisions:

a. An owner of multiple residential units within one (1) multi-unit structure who has authority to request residential waste collection services

for those residential units may request a multi-housing variance for sharing residential waste collection services provided under the City's residential waste collection program. The variance request must specify the level of solid waste service requested and the number of refuse containers requested for the subject residential units.

b. The Director will grant the variance if the Director is reasonably satisfied that the requested service level and number of refuse containers will meet the residential waste collection needs of the residential units.

c. If the Director grants the multi-housing variance, the Director will designate one (1) or more of the residential units as the residential unit(s) subject to residential waste collection program requirements. The remainder of the residential units subject to the request are grantees of the variance.

d. The Director will revoke a granted multi-housing variance if the City's contracted solid waste collector cites the residential units subject to the variance three (3) times in a twelve-month period for overfilling their refuse container.

Introduced, considered favorably on first reading on May 19, 2026, and approved on second reading for final passage on June 2, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: June 12, 2026
Approving Attorney: Ted Hewitt

Exhibit: None