

ORDINANCE NO. 056, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS 12-32 AND 15-413 OF THE CODE OF
THE CITY OF FORT COLLINS TO ALIGN CITY WASTE HAULER
REQUIREMENTS WITH THE STATE OF COLORADO
EXTENDED PRODUCER RESPONSIBILITY PROGRAM

A. In 2022, the State of Colorado enacted the Extended Producer Responsibility Program, codified at Colorado Revised Statutes § 25-17-701 et seq, (“EPR”). EPR shifts responsibility for the cost of recycling paper and packaging from consumers to producers by creating a financial mechanism to incentivize recycling.

B. Under EPR, large companies that make and sell covered materials in Colorado pay dues for the cost of recycling those materials to the Circular Action Alliance (“CAA”). CAA will distribute these funds to service providers to provide residential recycling services first, and additional services, such as commercial recycling, will later be phased into EPR. Service providers may apply and establish a service agreement with CAA to receive reimbursement for the cost of recycling covered materials in accordance with EPR requirements.

C. In December 2025, the Colorado Department of Public Health and Environment (“CDPHE”) approved an implementation plan for EPR. Implementation will begin not later than June 9, 2026.

D. To ensure waste haulers within the City can participate in EPR as service providers, and to ensure cost savings reach residents, this Ordinance makes two amendments to the City Code:

1. First, this Ordinance amends Section 12-32 of the City Code. The amendments require the City's contracted waste hauler under the City's residential waste collection program to participate in the EPR as a service provider. The amendments also establish the City's authority to enforce a deadline for participation and receive additional reporting. This authority adds transparency and accountability to ensure potential savings provided by EPR reach City residents. The City's contracted waste hauler has previously agreed contractually with the City to participate in and comply with EPR requirements.

2. Second, this Ordinance amends Section 15-413 of the City Code to require waste haulers subject to a CAA service agreement to meet applicable billing requirements of the service agreement. Prior to this change, the City Code has required waste haulers in the City to offer recycling as part of one combined rate for waste collection service. Under EPR, participating waste haulers must separate the recycling price from other service prices and indicate a zero-dollar line item for recycling services on customers' bills. This amendment ensures that waste haulers who enter into service agreements with CAA pass savings on to customers, by

allowing waste haulers who participate in EPR to disaggregate recycling costs, showing a zero-dollar line item on customers' bills.

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 12-32 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-32. City contract; City administrative fee; rates.

. . .

(g) The City's contracted waste collector must participate in the State of Colorado Producer Responsibility Program for Statewide Recycling Act, codified in Colorado Revised Statutes § 25-17-701 et seq, as follows:

(1) When requested by the City in writing, the City's contracted waste collector must take all actions necessary to enter into an agreement with the Producer Responsibility Organization as a Service Provider under the Producer Responsibility Program for Statewide Recycling Act. From time to time, the City will notify the City's contracted waste collector of a deadline to take such actions, which the City's contracted waste collector must meet. The City's contracted waste collector must agree that the City may be made a party to the agreement.

(2) While the City's contracted waste collector is subject to an agreement under the Producer Responsibility Program for Statewide Recycling Act, it shall meet applicable billing requirements for recyclable materials established in the agreement.

(3) The City may provide a reporting form to the City's contracted waste collector regarding the City's contracted waste collector's compliance with the Producer Responsibility Program for Statewide Recycling Act and its agreement with the Producer Responsibility Organization. The City's contracted waste collector must complete and return the reporting form to the City in compliance with any deadline set by the City.

Section 2. Section 15-413 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 15-413. Recycling requirement.

(a) *Curbside collection—Residential.*

(1) Solid waste collectors shall provide residential solid waste customers curbside collection of recyclable materials for no additional charge. Such service shall include recyclable materials collection in an amount equal to at least eighteen (18) gallons and need not be more than two (2) large capacity containers. If a customer declines recyclable materials collection, solid waste collectors may not reduce the cost of collection service. Any solid waste collector that is subject to an agreement under the State of Colorado Producer Responsibility Program for Statewide Recycling Act program, codified in Colorado Revised Statutes § 25-17-701 et seq, shall meet applicable billing requirements for recyclable materials established in the agreement.

...

(b) *Multi-family and commercial solid waste and recyclable materials collection.*

(1) Each solid waste collector shall provide recyclable materials collection service to multi-family customers and commercial customers as a part of solid waste collection services. Solid waste collectors must charge multi-family and commercial customers for the minimum recycling service described in Subsection 15-413(b)(2), which may be itemized separately on bills. Solid waste collectors shall not exclude the cost of minimum recycling service unless such customer is granted a variance in accordance with Subsection 15-413(b)(3). Notwithstanding the foregoing, any solid waste collector that is subject to an agreement under the State of Colorado Producer Responsibility Program for Statewide Recycling Act program, codified in Colorado Revised Statutes § 25-17-701 et seq, shall meet applicable billing requirements for recyclable materials established in the agreement.

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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