

AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT

Second Reading of Ordinance No. 062, 2025, Amending Sections 12-29 and 12-30 of the Code of the City of Fort Collins to Update the Residential Waste Collection Program.

EXECUTIVE SUMMARY

This Ordinance, unanimously adopted on First Reading on April 1, 2025, updates the City Code to modify the Contracted Residential Waste Collection Program and include additional variance and exclusion options that were not originally anticipated.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on Second Reading.

FIRST READING BACKGROUND / DISCUSSION

The Residential Trash Collection Program (Program) began on September 30, 2024. Staff has learned many lessons in the months leading up to program launch and through the first four and a half months of operation. These lessons come from feedback provided by residents and conversations with partners regarding areas where the original program can be refined or improved. Specifically, staff identified additional reasons to enable residents to opt-out of the Program without paying the opt-out fee through the variance process or through exclusion from the Program. The Code updates to address these include:

Exclusion for Property Served by a Dumpster

- **What:** Currently properties are excluded from the Program if they are “served by a dumpster”. Staff seek to clarify that this exclusion applies to properties with a dumpster located on the property or on a neighboring common area.
- **Why:** Current Code lacks clarity about when the dumpster exclusion applies. Clarifying that the exclusion applies when the dumpster is located on the property or on a nearby common area will provide certainty to program staff, the contracted hauler, and residents about the scope of the exclusion.
- **Impact to Program participation:** There is not expected to be an impact to program participation due to this update. Staff have currently been making determinations regarding program exclusion based on this interpretation of code. This code adjustment seeks to add clarity to code to reinforce programmatic decisions.

- **Impact to Program operations and goals:** This will positively impact program operations by providing clarity around the dumpster exclusion.

Safety Exclusion Rule

- **What:** This will create an avenue in the Code granting the City Manager the authority 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.
- **Why:** The City's contracted hauler has identified a neighborhood it is unable to provide curbside service to due to an unsafe bridge that is privately owned and maintained.
- **Impact to program participation:** There are eight known residences this change would impact. Additional impacts to program participation are expected to be minimal.
- **Impact to program operations and goals:** This will positively impact program operations by creating a pathway for staff to address other unique situations where safety is a concern.

Remote Dumpster Variance

- **What:** This will allow community members who own a business within Fort Collins City limits, pay for commercial dumpster service, and haul their personal trash to that dumpster to receive a variance from the program.
- **Why:** This variance was developed in response to resident feedback that the opt-out fee creates hardship for small business owners who have previously taken residential trash to a dumpster at their small business.
- **Impact to program participation:** The variance only applies to business owners who are responsible for paying for dumpster service at their business and where the business (and dumpster) is in City limits. It is estimated that this variance would impact less than 100 residential units.
- **Impact to program operations and goals:** Residents who receive this variance would have access to single-stream recycling because of the Community Recycling Ordinance but would not have access to curbside yard trimmings service.

Habitability Variance

- **What:** This gives property owners the ability to request a temporary variance for properties that are vacant due to habitability restrictions for a minimum of 30 days.
- **Why:** The current Code treats vacant residential units the same regardless of habitability, both are subject to the opt-out fee. Based on feedback from residents, staff no longer views this as an appropriate approach. Uninhabitable vacant units cannot be used for their intended purpose – habitation. This can occur for reasons outside the property owner's control and charging the opt-out fee in these circumstances constitutes a hardship. While habitable vacant units largely occur due to market conditions (e.g., tenant turn-over or lack of demand). These conditions constitute part of the risk associated with property ownership; and therefore, should continue to pay the opt-out fee.
- **Impact to program participation:** Staff have confirmed one current case where this variance would apply. Impact will be limited by the temporary nature of this proposed variance.
- **Impact to program operations and goals:** This variance will create clarity in operations and offer flexibility within the program to meet the unique needs of residents in this situation.

CITY FINANCIAL IMPACTS

The anticipated impact is limited to a reduction in revenue from the program's administrative fee and is expected to be negligible.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

No formal outreach occurred. Feedback from residents that informed these recommendations was gathered through phone calls, emails, Access Fort Collins requests, and attending community meetings.

ATTACHMENTS

First Reading attachments not included.

1. Ordinance for Consideration