

ORDINANCE NO. 161, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING SECTIONS 12-110 THROUGH 12-112 OF THE
CODE OF THE CITY OF FORT COLLINS REGARDING THE
DISCLOSURE OF RADON INFORMATION IN REAL ESTATE
TRANSACTIONS

A. Colorado Revised Statutes Section 38-35.7-112 provides that every contract for sale of residential real property must contain a disclosure of the seller's knowledge of the radon concentrations at the residential real property. The statute also provides the statements and information that a seller in a residential real estate transaction must include in its radon disclosures to the buyer.

B. The City Code has similar requirements relating to radon. Chapter 12, Article VI of the City Code provides that a seller of residential real estate in the City must provide "radon information" to the buyer of the residential real estate. The Code defines radon information as "information produced and disseminated by the Office of Sustainability Services for provision by sellers to buyers prior to execution of a contract."

C. Repeal of Chapter 12, Article VI of the City Code will eliminate overlapping requirements for sellers in residential real estate transactions with respect to radon disclosures.

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 Article VI of Chapter 12 of the Code of the City of Fort Collins is hereby deleted in its entirety and Article VI is held in reserve.

~~ARTICLE VI-~~
~~RADON~~

~~Sec. 12-110. Definitions.~~

~~The following words, terms and phrases, when used in this Article, shall have the meanings ascribed to them in this Section.~~

~~*Contract* shall mean the complete and fully executed sales/purchase agreement, option to purchase agreement, lease purchase agreement, right of first refusal, memorandum of understanding or any other offer and acceptance that is sufficient to form an enforceable contract under law, between a buyer and a seller of residential real property in the City.~~

~~*Radon information* shall mean that information produced and disseminated by the Office of Sustainability Services for provision by sellers to buyers prior to execution of a contract.~~

~~*Seller* shall mean the seller of any residential real property located within the City and/or any person, firm, corporation or other lawfully constituted entity acting on behalf of such~~

~~seller whether as attorney-in-fact, attorney-at-law, trustee, realtor, title company or any other agent or representative of the seller in the making of the contract.~~

~~Sec. 12-111. Regulation.~~

~~Commencing June 4, 1997, every seller shall provide radon information to the party purchasing seller's property prior to the execution of any contract for such property.~~

~~Sec. 12-112. Violations, penalties, remedies.~~

~~Any person who violates any provision of § 12-111, upon conviction, shall be subject to the penalties in § 1-15 of this Code. This Article shall not create any civil remedy or contract right.~~

Introduced, considered favorably on first reading on October 7, 2025, and approved on second reading for final passage on October 21, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: October 31, 2025

Approving Attorney: Ted Hewitt

Exhibit: None