

AGENDA ITEM SUMMARY

April 21, 2020

City Council

STAFF

Caroline Mitchell, Environmental Planner
Judy Schmidt, Legal

SUBJECT

First Reading of Ordinance No. 064, 2020, Amending the Code of the City of Fort Collins to Delay the December 31, 2020, Implementation Date for Business and Multi-Family Recycling Requirements Included in the Community Recycling Ordinance.

EXECUTIVE SUMMARY

The purpose of this item is to delay the implementation date of the business and multi-family recycling requirement in the Community Recycling Ordinance from December 31, 2020, to June 30, 2021, due to impacts of the COVID-19 response.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinance on First Reading.

BACKGROUND / DISCUSSION

The Community Recycling Ordinance (CRO) was adopted in September 2016. Two elements of the CRO have already been successfully implemented: (1) all haulers now offer optional seasonal weekly curbside collection of yard trimmings for an extra fee, and (2) all grocers now have collection service for food scraps to be composted.

The remaining element of the CRO to be implemented is the requirement that all trash haulers provide recycling services to their business and multi-family customers unless the customer has a variance on file from the City. This requirement was to take effect by December 31, 2020.

Rolling out recycling to business and multi-family customers involves additional staff time and equipment from trash/recycling haulers, time from businesses and multi-family complexes to train and educate about recycling and may increase the service cost for some locations. All of these are challenging during this time of COVID-19 response.

In order to allow trash/recycling haulers, businesses and multi-family complexes to focus on providing their core services during the COVID-19 response, staff recommends delaying the implementation deadline from December 31, 2020, until June 30, 2021.

PUBLIC OUTREACH

If adopted, staff would conduct public outreach to notify the community of the delay.

ORDINANCE NO. 064, 2020
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS
TO DELAY THE DECEMBER 31, 2020, IMPLEMENTATION DATE
FOR BUSINESS AND MULTI-FAMILY RECYCLING REQUIREMENTS
INCLUDED IN THE COMMUNITY RECYCLING ORDINANCE

WHEREAS, the City of Fort Collins is threatened with serious injury and damage, consisting of widespread human and economic impact caused by the Novel Coronavirus 2019 (COVID-19); and

WHEREAS, the City and the Larimer County Department of Public Health and Environment, state officials, Colorado State University and the Poudre School District are cooperatively working to limit community spread and slow the transmission of COVID-19; and

WHEREAS, due to the increasing incidence of COVID-19 in the general population, the World Health Organization designated the spread of COVID-19 as a worldwide pandemic; and

WHEREAS, on March 10, 2020, Governor Polis issued a Declaration of a Disaster Emergency for the State of Colorado and on March 13, 2020 the President of the United States declared a National Emergency; and

WHEREAS, on March 13, 2020, in order to undertake emergency measures to protect the life, health, safety and property of the citizens of the City and persons conducting business therein, and in order to attempt to minimize the loss of human life and the preservation of property, the City Manager, as the Director of the City's Office of Emergency Management, proclaimed a "local emergency" in accordance with Section 2-671(a)(1) of the City Code and activated the Emergency Operations Plan established pursuant to Section 2-673 of the City Code; and

WHEREAS, the City Council has, with its adoption of Resolution 2020-030 extended the City Manager's proclamation of local emergency; and

WHEREAS, on September 20, 2016, City Council adopted Ordinance No. 109, 2016 (referred to as the Community Recycling Ordinance) to further promote the recycling of solid wastes for the purpose of enhancing the recovery of valuable natural resources, extending the life the Larimer County Landfill, and furthering the City's goals and objectives regarding reduction of waste and generation of greenhouse gases; and

WHEREAS the Community Recycling Ordinance required licensed solid waste collectors to add minimum recycling service to the solid waste collection service provided to existing multi-family and commercial customers not receiving recycling service as of December 3, 2016 (unserved customers) to one hundred (100) percent of such unserved customers by December 31, 2020; and

WHEREAS, the COVID-19 emergency has created significant economic impacts to the waste and recycling industry, including the solid waste collectors licensed to operate in the City of Fort Collins; and

WHEREAS, Council has determined that in order to protect the health, safety and welfare of the residents of the City, including but not limited to the economic and physical health and safety of the community, it is necessary and appropriate to extend the December 31, 2020 deadline under the Community Recycling Ordinance to serve one hundred (100) percent of unserved business and multi-family customers for an additional six months to enable licensed collectors to focus on their core service delivery and to maintain a continuing level of solid waste collection service to residents of the community in these challenging economic times.

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS as follows:

Section 1. That the City Council hereby makes and adopts the determinations and findings contained in the recitals set forth above.

Section 2. That Section 15-413(b)(3) of the Code of the City of Fort Collins is hereby amended to read as follows:

(b) *On-site collection—Multi-family and commercial.*

...

(3) Commencing January 1, 2017, each solid waste collector licensed by the City shall provide to new and existing multi-family and commercial customers (and other customers receiving solid waste collection services through a communal system of waste collection) as a part of any solid waste collection services provided by such collector, the minimum recycling service calculated under Subsection 15-413(b)(2) in accordance with the schedule set forth in Subsection 15-413(b)(3). Each solid waste collector licensed by the City must add minimum recycling service to the solid waste collection service provided to existing multi-family and commercial customers not receiving recycling service as of December 31, 2016 ("unserved multi-family and commercial customers") in accordance with the following schedule:

a. by December 31, 2018, forty (40) percent of its unserved multi-family and commercial customers; and

b. by ~~December 31, 2020~~ **June 30, 2021** one hundred (100) percent of its multi-family and commercial customers.

Thereafter, the cost for minimum recycling service must be billed in addition to the cost of solid waste collection service for all multi-family and commercial customers. The charge for both such services may be itemized separately for billing purposes but shall not be reduced to exclude the cost of minimum recycling service unless a variance is granted in accordance with Subsection 15-413(b)(3).

...

Introduced, considered favorably on first reading, and ordered published this 21st day of April, A.D. 2020 and to be presented for final passage on the 5th day of May, A.D., 2020.

Mayor

ATTEST:

City Clerk

Passed and adopted on final reading on the 5th day of May, A.D. 2020.

Mayor

ATTEST:

City Clerk