

ORDINANCE NO. 024, 2007  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING ARTICLE II OF CHAPTER 12 AND  
ARTICLE XV OF CHAPTER 15 OF THE CODE OF THE CITY  
OF FORT COLLINS TO PROHIBIT THE DISPOSAL OF  
ELECTRONIC GOODS IN THE COMMUNITY'S WASTE STREAM

WHEREAS, in 1964, the City first enacted licensure requirements for solid waste collection services with the adoption of Ordinance No. 42, 1964, which licensure provisions have since been modified, and repealed and reenacted, and are now set out in Chapter 15, Article XV of the Code of the City of Fort Collins; and

WHEREAS, in 1985, the City first began to investigate programs to educate the public about recycling and solid waste reduction; and

WHEREAS, in December 1999, the Council adopted Resolution 99-139, which set goals for diverting 35% of the community's waste stream from landfill diversion by 2004, and 50% of the waste stream by 2010; and

WHEREAS, in 2005, the Council directed staff to develop comprehensive plans for reaching waste diversion goals, including protection from toxic materials such as those contained in electronic waste; and

WHEREAS, the disposal of electronic equipment such as obsolete computers is an environmental problem both in terms of volume (50 million computers discarded each year in U.S. landfills) and hazardous materials contained in electronic waste (e.g., lead, mercury, arsenic, cadmium, and bromine compounds); and

WHEREAS, the potential impacts of disposing of electronic waste at the Larimer County landfill jeopardize the County's ability to prevent groundwater pollution from the landfill in the future and pose unnecessary, avoidable risks to the government agencies that manage the facility and to surrounding properties, some of which are owned by the City of Fort Collins; and

WHEREAS, despite growing concern, neither the Federal government nor manufacturers have adopted regulations or standards to prevent obsolete electronic equipment that is generated by residents from being sent to landfills for disposal; and

WHEREAS, the Council considered solid waste policy issues at its work session on August 8, 2006, and directed staff to prepare an ordinance that would prevent electronic products generated by residential trash customers from being placed in the community's curbside waste collection system; and

WHEREAS, in addition to the licensure provisions for solid waste haulers in Chapter 15 of the City Code, Article II of Chapter 12 of the City Code also addresses generally the collection and disposal of solid waste, currently referred to in those provisions as "garbage and refuse"; and

WHEREAS, the Fort Collins Natural Resources Advisory Board reviewed the proposal to prohibit the disposal of electronics waste at its January 17, 2007 meeting, and recommended that the Council approve the proposed new provisions.

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

Section 1. That the title of Article II of Chapter 12 of the Code of the City of Fort Collins is hereby amended as follows:

**ARTICLE II.  
COLLECTION AND DISPOSAL OF REFUSE,  
RUBBISH AND RECYCLABLES**

Section 2. That Section 12-16 of the Code of the City of Fort Collins is hereby amended to add a definition of "electronic equipment" and a definition of "qualified recycling facility", which read in their entirety as follows:

*Electronic equipment* shall mean any electronic device or electronic component as those terms are defined in the Colorado Hazardous Waste Regulations, 6 Code of Colorado Regulations 1007-3, Section 260.10.

*Qualified recycling facility* shall mean a facility that arranges for or causes the recovery of useful materials from one or more specified recyclable materials, including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.

Section 3. That a new Section 12-22 is added to Article II of Chapter 12 of the Code of the City of Fort Collins, which reads in its entirety as follows, and the existing Section 12-22 and all subsequent sections of that Article are hereby renumbered accordingly:

Sec. 12-22. Recycling of electronic equipment.

No person shall place electronic equipment in refuse containers for collection or bury or otherwise dispose of electronic equipment in or on private or public property within the City. All electronic equipment must either be stored and presented or delivered to a licensed solid waste collector for recycling in accordance with the provisions of § 15-413(e), or delivered directly to a qualified recycling facility for electronic equipment.

Section 4. That Section 15-411 of the Code of the City of Fort Collins is hereby amended to add a definition of "electronic equipment" and a definition of "qualified recycling facility", which read in their entirety as follows:

*Electronic equipment* shall mean any electronic device or electronic component as those terms are defined in the Colorado Hazardous Waste Regulations, 6 Code of Colorado Regulations 1007-3, Section 260.10.

*Qualified recycling facility* shall mean a facility that arranges for or causes the recovery of useful materials from one or more specified recyclable materials, including items for reuse, and shall be deemed to include only a facility that meets any federal or state standards that may be established to regulate or designate such recycling facilities.

Section 5. That the title of Section 15-413 of the Code of the City of Fort Collins is hereby amended as follows:

**Sec. 15-413. Recycling requirements.**

Section 6. That Section 15-413(b)(1) of the Code of the City of Fort Collins is hereby amended as follows:

(b) *Collection of recyclable materials; rights and duties of collectors.* All licensed collectors of recyclable materials and solid waste operating within the City shall have the following duties and rights:

- (1) Except for materials which customers have not properly prepared for recycling, collectors may not dispose of recyclable materials set out by recycling customers by any means other than at a qualified recycling facility. Recyclable materials shall include all those materials designated by the City Manager as materials which collectors must offer to collect for recycling.

Section 7. That Section 15-413 of the Code of the City of Fort Collins is hereby amended to add a new subsection (e) which reads in its entirety as follows:

(e) *Recycling only of electronic equipment.*

- (1) No collector shall collect for disposal any electronic equipment, regardless of whether such electronic equipment has been placed or set out for disposal.
- (2) Collection of electronic equipment for recycling shall be at each collector's option; provided, however, that no collector providing collection services for electronic equipment may dispose of any such electronic equipment. Instead, each such collector must deliver any collected electronic equipment for recycling at a qualified recycling facility for electronic equipment.

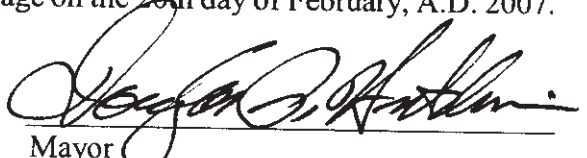
Section 8. That Section 15-414(a)(1) of the Code of the City of Fort Collins is hereby amended as follows:

**Section 15-414. Designation of recyclable materials.**

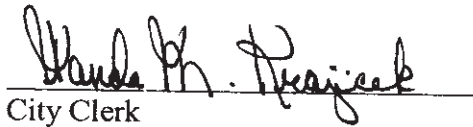
(a) The City Manager shall, on or before the 30th day of November of each year, after consultation with the Larimer County Board of Commissioners, the Natural Resources Advisory Board and representatives of the licensed solid waste collectors operating within the City, determine which items shall be designated for recycling collection based upon the following criteria:

- (1) Local, state and federal laws and regulations, including but not limited to the requirements of this Article;

Introduced, considered favorably on first reading, and ordered published this 6th day of February, A.D. 2007, and to be presented for final passage on the 20th day of February, A.D. 2007.

  
Mayor

ATTEST:

  
City Clerk

Passed and adopted on final reading on the 20th day of February, A.D. 2007.

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Mayor

ATTEST:

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City Clerk