

ORDINANCE NO. 023, 2013
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE CODE OF THE CITY OF FORT COLLINS
TO PROHIBIT THE DISPOSAL OF CARDBOARD IN THE
COMMUNITY'S WASTE STREAM AND TO AMEND REQUIREMENTS
FOR RECYCLING APPLICABLE SOLID WASTE COLLECTION

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services with the adoption of Ordinance No. 42, 1964, which licensure provisions have since been modified, and repealed and reenacted, and are now set out in Chapter 15, Article XV of the City Code; and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 City Council adopted Resolution 1999-139, 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 City Council directed staff to develop comprehensive plans for reaching waste diversion goals, during which the City calculated that 12,000 tons/year of cardboard were entering local landfills from Fort Collins as part of the waste stream; and

WHEREAS, the disposal of 12,000 tons/year of cardboard material from Fort Collins' waste stream contributes an estimated 42,000 tons of carbon dioxide equivalents, a damaging greenhouse gas, to the earth's atmosphere; and

WHEREAS, the City's 2008 Climate Action Plan sets a goal of reducing Fort Collins' greenhouse gas emissions by 20% below 2005 levels by 2020, and 80% below 2005 levels by 2050; and

WHEREAS, the monetary value of 12,000 tons/year of cardboard that is sent to landfills for disposal from the Fort Collins community is currently \$600,000 in commodity markets; and

WHEREAS, the number of jobs in the recycling industry that it takes to process cardboard is calculated to be ten times as great as the number of jobs that it takes to bury cardboard in landfills, so that recycling results in economic benefit and greater revenue for communities, including Fort Collins; and

WHEREAS, in addition to lost commodity rebates and fewer jobs, the landfill disposal of 12,000 tons/year of cardboard costs \$216,000 in current landfill gate fees; and

WHEREAS, the disposal of 12,000 tons/ year of cardboard in landfills that could otherwise be recycled reduces the lifespan of local landfills, including the Larimer County landfill; and

WHEREAS, the ownership of the Larimer County landfill is shared by the City; and

WHEREAS, the need to build a new landfill to serve the community's future needs will create significant new costs for taxpayers; and

WHEREAS, residential customers of trash hauling companies who live in single-family homes or in multi-family complexes of fewer than eight units are able to receive curbside cardboard recycling services at no additional cost on their trash bills; and

WHEREAS, all businesses and residential generators of waste cardboard may take cardboard to be recycled at no cost at the City's recycling drop-off facility; 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, in light of the foregoing, the City Council has considered the proposed amendments to Chapter 12 and Chapter 15 described below, and has determined that the amendments will promote the policy objectives and public purposes described above.

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

Section 1. That the foregoing recitals are hereby incorporated herein as findings of the City Council.

Section 2. That Section 12-16 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Recyclable cardboard*" which reads in its entirety as follows:

Recyclable cardboard shall mean corrugated cardboard, and shall include, but not be limited to, materials used in packaging or storage containers that consist of three or more layers of Kraft paper material, at least one of which is rippled or corrugated. Cardboard shall be considered *recyclable cardboard* regardless of whether it has glue, staples or tape affixed, but not if it is permanently attached to other packing material or a non-paper liner, waxed cardboard, or cardboard contaminated with oil, paint, blood or other organic material.

Section 2. That Section 12-22 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 12-22. Required Recycling.

(a) No person shall place electronic equipment in refuse containers for collection, nor shall any person 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 Subsection 15-413(e), or delivered directly to a qualified recycling facility for electronic equipment.

(b) No person shall place recyclable cardboard in refuse containers for collection, nor shall any person bury or otherwise dispose of recyclable cardboard in or on private or public property within the City. All recyclable cardboard must either be stored and presented or delivered to a licensed solid waste collector for recycling in accordance with the provisions of Subsection 15-413(e), or delivered directly to a qualified recycling facility appropriate for recyclable cardboard.

(c) It shall be the duty of any owner or occupant of any premises to ensure that bags or containers do not contain materials required to be recycled under this Section when such bags or containers are offered for solid waste collection.

Section 3. That Section 12-26 of the Code of the City of Fort Collins is hereby amended by to read as follows:

Sec. 12-26. Violations and penalties.

Any person who violates § 12-18 of this Article, or who violates § 12-22(b), or § 12-22(c) as it relates to § 12-22(b), commits a civil infraction and is subject to the penalty provisions of Subsection 1-15(f). Any person who violates any other provision of this Article also commits a misdemeanor. All such misdemeanor violations are subject to a fine or imprisonment in accordance with § 1-15.

Section 4. That Section 15-411 of the Code of the City of Fort Collins is hereby amended by the addition of a new definition "*Recyclable cardboard*" which reads in its entirety as follows:

Recyclable cardboard shall mean corrugated cardboard, and shall include, but not be limited to, materials used in packaging or storage containers that consist of three or more layers of Kraft paper material, at least one of which is rippled or corrugated. Cardboard shall be considered *recyclable cardboard* regardless of whether it has glue, staples or tape affixed, but not if it is permanently attached to other packing material or a non-paper liner, waxed cardboard, or cardboard contaminated with oil, paint, blood or other organic material.

Section 5. That Section 15-412 of the Code of the City of Fort Collins is hereby amended to add a new subsection (e), to read as follows:

(e) *Refusal of recyclable materials.* In the event that a collector refuses to collect any bag or container because it contains materials required to be recycled under Section 12-22, the collector shall not be required under this Section to credit the customer for such refused bag or container. A collector shall not collect materials required to be recycled under Section 12-22, except that, with respect to recyclable

cardboard, a collector may, but shall not be obligated to, accept any bag or container that has reasonably been determined, based upon visual inspection, to contain no more than twenty-five (25) percent recyclable cardboard by volume.

Section 6. That Section 15-413 of the Code of the City of Fort Collins is hereby amended by the deletion of subparagraph (e) as follows:

Sec. 15-413. Recycling requirement.

...

Section 7. That Section 15-414 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 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;
- (2) Potential for waste stream reduction;
- (3) Availability of markets;
- (4) Market price;
- (5) Safety factors and risks of transportation; and
- (6) Risks of commingling of liquid wastes.

(b) Notwithstanding the foregoing, collection for recycling of electronic equipment 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, but instead shall deliver any collected electronic equipment for recycling at a qualified recycling facility for electronic equipment.

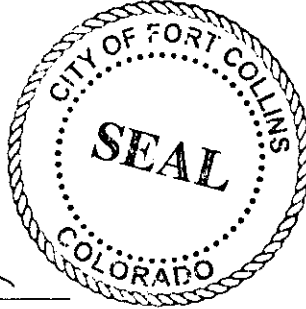
c) All collectors shall be responsible for notifying their customers of the items identified to be recycled.

(d) The City Manager is authorized to promulgate such rules and regulations as are necessary to effectuate the implementation and enforcement of this Article.

Introduced, considered favorably on first reading, and ordered published this 12th day of February, A.D. 2013, and to be presented for final passage on the 5th day of March, A.D. 2013.

ATTEST:

Wanda Nelson
City Clerk



Karen Wickham
Mayor

Passed and adopted on final reading on the 5th day of March, A.D. 2013.

ATTEST:

Wanda Nelson
City Clerk



Karen Wickham
Mayor