

ORDINANCE NO. 063, 2019  
OF THE COUNCIL OF THE CITY OF FORT COLLINS  
AMENDING THE CODE OF THE CITY OF FORT COLLINS TO  
DIRECT MIXED CONSTRUCTION AND DEMOLITION MATERIALS  
TO THE FUTURE LARIMER COUNTY CONSTRUCTION AND  
DEMOLITION WASTE PROCESSING FACILITY UPON ITS COMPLETION

WHEREAS, pursuant to Resolution 2013-011, the City Council established a waste diversion policy with the ultimate goal of achieving zero waste for the City (“Zero Waste Goal”); and

WHEREAS, pursuant to Resolution 2014-098, the City Council established priority actions to further its Zero Waste Goal, including fostering regional discussions, partnerships, and systems to manage regional waste streams and facilities; and

WHEREAS, the Larimer County Solid Waste Facility located at 5887 South Taft Hill Road serves as a regional solid waste processing and disposal site for residents of Larimer County located in municipalities and unincorporated areas, receiving approximately one million cubic yards of material per year, is forecasted to consume the available permitted capacity by the fourth quarter of the year 2024; and

WHEREAS, the Larimer County Board of County Commissioners convened in early 2016 the North Front Range Wasteshed Policy Group, now referred to as the North Front Range Regional Wasteshed Coalition (the “Coalition”) (including a Technical Advisory Committee of staff members and a Policy Advisory Committee of elected officials and a stakeholder advisory group with more than sixty members) to identify, analyze, and prioritize solid waste infrastructure and implementation options, resulting in the development of a Solid Waste Infrastructure Master Plan for adoption by Larimer County; and

WHEREAS, on December 19, 2018, the Larimer County Planning Commission adopted the 2018 Solid Waste Infrastructure Master Plan (the “County Master Plan”), which includes various recommendations for infrastructure and facility improvements, education, licensing and other program elements to provide solid waste services within Larimer County and increase material diversion from landfill disposal; and

WHEREAS, on January 15, 2019, the City Council adopted Resolution 2019-010 supporting the Master Plan; and

WHEREAS, to work cooperatively to implement the Master Plan, continue to develop joint programs for consistent public education, and evaluate future technologies associated with solid waste management the City Council has authorized the Mayor to execute the Intergovernmental Agreement for Solid Waste Programming and Infrastructure Improvements (the “IGA”); and

WHEREAS, the Colorado legislature has expressly endorsed “local efforts...focused toward the reduction of the volume and toxicity of the waste stream...through source reduction,

recycling, composting, and similar waste management strategies” (Section 30-20-100.5, Colorado Revised Statutes [“C.R.S.”]) and authorized designation of exclusive sites and facilities for disposal of solid waste (Section 30-20-107, C.R.S.); and

WHEREAS, cooperation pursuant to the IGA will allow for implementation of an integrated package of waste disposal services designed to increase recycling and confer significant health and environmental benefits upon the residents of the City and Larimer County by enhancing recycling incentives and opportunities, obtaining information for the tracking and planning of waste diversion, and increasing the ability to monitor and enforce recycling and other waste management laws; and

WHEREAS, the City desires to implement the provisions of the IGA pertaining to County construction and operation of the County construction and demolition waste processing facility described therein by adopting this Ordinance requiring mixed construction and demolition materials to be directed to the County construction and demolition waste processing facility for a period of ten years after the facility becomes operational; and

WHEREAS, the City Council has determined that this Ordinance will provide significant environmental benefits and protect the health, safety and welfare of its residents; and

WHEREAS, the City Council has determined that this Ordinance is in the best interests of the City.

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

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

Section 2. That City Code Section 12-16, *Definitions*, is hereby amended by the addition of the following definitions, integrated therein in alphabetical order:

*County construction and demolition waste processing facility* shall mean the facility described in the North Front Range Regional Wasteshed Coalition Solid Waste Infrastructure Master Plan approved by Larimer County on December 19, 2018, as amended from time to time.

*Mixed construction and demolition materials* shall mean all recyclable and non-recyclable waste materials generated from construction or demolition activities commingled and stored together in one or more containers for collection at a job site. Mixed construction and demolition materials shall exclude hazardous waste as defined in this Section, including but not limited to asbestos or asbestos containing materials and materials containing lead paint. Any commingled material containing items designated by the County construction and demolition waste processing facility as recyclable at the County construction and demolition waste processing facility shall be considered mixed construction and demolition material.

*Separated construction and demolition materials* shall mean all waste materials generated from construction or demolition activities that are designated as recyclable by the County construction and demolition waste processing facility and are sorted and stored with only like-kind materials in separate containers for collection prior to removal from a job site, separate from and not commingled with other materials. Separated construction and demolition materials shall exclude *hazardous waste* as defined in this Section, including but not limited to asbestos or asbestos containing materials and materials containing lead paint.

Section 3. That City Code Section 12-22, *required recycling*, is hereby amended to read as follows:

**Sec. 12-22. - Required recycling.**

- (a) *Electronic Equipment.* 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 15-416(b) or delivered directly to a qualified recycling facility for electronic equipment.
- (b) *Cardboard.* 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) *Mixed construction and demolition materials.*
  - (1) Commencing on the thirtieth day after the County construction and demolition waste processing facility opens for business, and for a period of ten (10) years thereafter, all mixed construction and demolition materials that are free of asbestos and lead paint from new building construction, remodels and additions as set forth in § 5-27 (amendments and deletions to *International Building Code*), subsections (78) 3602.1, *construction waste management*, and (78) 36202.1.1, *building demolitions*, and City Code § 5-30 (amendments and deletions to *International Residential Code*), subsections (37) R328.1, *construction waste management*, and (37) R328.1.1, *building demolitions*, shall be delivered to the County construction and demolition waste processing facility for processing, recycling, and disposal as appropriate.
  - (2) Until the County construction and demolition waste processing facility opens for business and after the expiration of the ten (10) year period set forth in subsection (1) above, mixed construction and demolition materials may be delivered to any alternative recycling facilities as provided in the waste management plan approved by the building official.
  - (3) Separated construction and demolition materials are exempt from this requirement and can be delivered to any alternative recycling facilities as provided in the waste

management plan approved by the building official.

- (d) *Owner/Occupant, permit holder responsibility.* 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. It shall also be the responsibility of any holder of a building permit issued by the City to dispose of mixed construction and demolition materials in accordance with this section.

Section 4. That subsection (78) 3602.1, *Construction waste management*, contained in Section 5-27 of the Code of the City of Fort Collins is hereby amended to read as follows:

**3602.1 Construction waste management.** For remodels and additions over 2,500 square feet, and for all new buildings, a construction waste management plan acceptable to the building official is required at the time of application for a building permit. The construction waste management plan shall be implemented and conspicuously posted on the construction site. All concrete, asphalt, masonry, wood, metals and cardboard shall be recycled. All mixed construction and demolition materials (as defined in City Code Section 12-16), shall be delivered to any facility identified in and disposed of in accordance with City Code Section 12-22(c). Compliance shall be certified by inspection and documentation and signed final construction waste management plans. Substantive changes to the plan shall be subject to prior approval by the building official. All roofing permits are required to submit a final waste management plan and documentation.

Section 5. That subsection (78) 36202.1.1, *Building demolitions*, contained in Section 5-27 of the Code of the City of Fort Collins is hereby amended to read as follows:

**3602.1.1 Building demolitions.** *Buildings* or portions of *buildings* that are removed shall be processed in such a way as to safely remove all asbestos and lead paint contaminants. For all demolitions, excluding non-structural demolitions under 1000 sq.ft. a demolition waste management plan acceptable to the building official is required at the time of application for a demolition permit. All metals, asphalt, concrete and masonry that are free of asbestos and lead paint shall be recycled, and where possible, all remaining materials, such as doors, windows, cabinets, fixtures, and wood, shall be recycled. All mixed construction and demolition materials (as defined in City Code Section 12-16), shall be delivered to any facility identified in and disposed of in accordance with City Code Section 12-22(c). Compliance shall be certified by inspection, documentation, and signed final demolition waste management plans. Substantive changes to the plan shall be subject to prior approval by the building official.

Section 6. That subsection (37) R328.1, *Construction waste management*, contained in Section 5-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

**R328.1 Construction waste management.** For remodels and additions over 2,500 square feet, and for all new buildings, a construction waste management plan acceptable to the building official is required at the time of application for a building permit. The construction waste management plan shall be implemented and conspicuously posted on the construction site. All concrete, asphalt, masonry, wood, metals and cardboard shall be recycled. All mixed construction and demolition materials (as defined in City Code Section 12-16), shall be delivered to any facility identified in

and disposed of in accordance with City Code Section 12-22(c). Compliance shall be certified by inspection and documentation and signed final construction waste management plans. Substantive changes to the plan shall be subject to prior approval by the building official. All roofing permits are required to submit a final waste management plan and documentation.

Section 7. That subsection (37) R328.1.1, *Building demolitions*, contained in Section 5-30 of the Code of the City of Fort Collins is hereby amended to read as follows:

**R328.1.1 Building demolitions.** Buildings or portions of buildings that are removed shall be processed in such a way as to safely remove all asbestos and lead paint contaminants. For all demolitions, excluding non-structural demolitions under 1000 sq.ft. a demolition waste management plan acceptable to the building official is required at the time of application for a demolition permit. All metals, asphalt, concrete and masonry that are free of asbestos and lead paint shall be recycled, and where possible, all remaining materials, such as doors, windows, cabinets, fixtures, and wood, shall be recycled. All mixed construction and demolition materials (as defined in City Code Section 12-16), shall be delivered to any facility identified in and disposed of in accordance with City Code Section 12-22(c). Compliance shall be certified by inspection, documentation, and signed final demolition waste management plans. Substantive changes to the plan shall be subject to prior approval by the building official.

Introduced, considered favorably on first reading, and ordered published this 16th day of April, A.D. 2019, and to be presented for final passage on the 7th day of May, A.D. 2019.

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Mayor

ATTEST:

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City Clerk

Passed and adopted on final reading on the 7th day of May, A.D. 2019.

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Mayor

ATTEST:

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City Clerk