

ORDINANCE NO. 058, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING CERTAIN PROVISIONS OF THE CODE OF THE CITY OF FORT
COLLINS CONCERNING DEFAULT JUDGMENTS TO EXTEND THE TIME TO FILE A
MOTION TO SET ASIDE A DEFAULT JUDGMENT

A. On December 22, 2025, the Colorado Supreme Court issued decisions in In re People v. Camp and In re People v. Simons.

B. These decisions hold that municipal sentencing provisions that impose penalties exceeding those authorized under state law for identical or substantially similar conduct are preempted by state law.

C. Sections 19-58 and 19-72 of the City Code include provisions governing default judgments in municipal court proceedings.

D. City Council desires to amend certain provisions of the Code to extend the time period within which a defendant may file a motion to set aside a default judgment.

E. These amendments are intended to improve access to the municipal court process, promote fairness, and ensure consistency with current municipal court practices.

F. The amendments set forth in this Ordinance are part of a broader review and update of the City Code to ensure consistency with state law and improve clarity and usability.

G. City Council determines that the amendments contained herein are necessary to improve access to the municipal court process and ensure fair and consistent procedures for setting aside default judgments.

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 as follows:

Section 1. Section 19-58 of the Code of the City of Fort Collins is hereby amended to read as follows and all other provisions of this Section remain unchanged:

Sec. 19-58. - Default.

...

(c) The Municipal Court may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be made to the Municipal Court not more than ~~seven (7)~~ **fourteen (14)** calendar days after entry of judgment.

...

Section 2. Section 19-72 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 19-72. - Default.

...

(b) The Municipal Judge or Referee may set aside a judgment entered under this rule on a showing of good cause or excusable neglect by the defendant. A motion to set aside the judgment shall be filed at the office where default entered not more than ~~seven~~ (~~7~~) **fourteen (14)** consecutive days after entry of judgment.

...

Section 3. The amendments contained herein shall apply to all default judgments entered on or after the effective date of this Ordinance.

Introduced, considered favorably on first reading on May 19, 2026, and approved on second reading for final passage on June 2, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: June 12, 2026
Approving Attorney: Alyssa Bamonti

Exhibits: None