

ORDINANCE NO. 089, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING PORTIONS OF CHAPTER 1 OF THE CODE OF THE CITY OF FORT
COLLINS TO ALIGN WITH STATE LAW AND MAKING OTHER RELATED UPDATES
AND CORRECTIONS

A. The updates in this Ordinance pertain to changes in Chapter 1 of the Fort Collins City Code which governs general provisions for Municipal Court.

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

C. On June 2, 2026, Council adopted amendments to Fort Collins Municipal Code Section 1-15 outlining the specific penalty changes to comply with the Camp decision.

D. A few minor additional amendments are now being made to Section 1-15 to clarify escalation of some infractions and clarify restitution provisions.

E. An amendment to Section 1-19 of the Fort Collins Municipal code will create a strict liability mens rea provision. Where there is no specific mens rea listed for an offense, those offenses will now be deemed strict liability offenses. This update will help improve clarity, provide clear notice to the public, and ensure consistency in application of the law.

F. One additional update to Section 1-25 will allow traffic cases to be eligible for probation as a consideration for sentencing. This option will misdemeanor traffic offenses to be handled consistently with state law sentences, ensure equitable enforcement, provide clarity, consistency, and allow more opportunities and sentencing alternatives other than a fine or jail for appropriate high level traffic offenses.

G. These amendments are intended to improve clarity, provide clear notice to the public, and ensure consistency in charging and sentencing. Also, the amendments contained herein are intended to align City Code with the City's general penalty provisions and applicable state law.

H. City Council determines that the amendments contained herein are necessary to provide clarity and consistency in the classification and enforcement of municipal offenses.

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 1-15 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 1-15. General penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions.

...

(c) Traffic offense: A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be deemed to be a traffic infraction unless otherwise designated. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine and any surcharge, the total of which is not to exceed two thousand six hundred fifty dollars (\$2,650), and shall not be subject to imprisonment on account of such judgment. All other violations under Chapter 28 of this Code or the Fort Collins Traffic Code shall be designated misdemeanor traffic offenses punishable as described in Subsection (h).

Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.

...

(e) Civil Infraction: Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil penalty for such infraction of not more than two thousand six hundred fifty dollars (\$2,650). Said amount may be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, inflation shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:

...

(4) If a person who is alleged to have committed a violation of any provision of this Code that is classified as a civil infraction who has been found liable for two (2) or more such violations within the twelve-month (12) period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as a petty or misdemeanor criminal offense as specifically provided for such designated level of violation, in addition to any costs which may be assessed. If no specific level of violation is designated, then the offense is an unclassified misdemeanor that is subject to a penalty or

imprisonment, costs, fees and any other orders imposed in accordance with this Section.

. . .

(g) Restitution: A law enforcement officer, code enforcement, the City Attorney or their designees may request that the Municipal Judge order restitution of direct out-of-pocket costs incurred by any victim of a misdemeanor. By way of illustration, such direct out-of-pocket costs may include, but need not be limited to, costs to repair or replace damaged property, medical insurance deductibles, or medical costs directly paid and unreimbursed by any entity other than the victim or the victim's parent or guardian. Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.

. . .

Section 2. Section 1-19 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 1-19. Accountability; behavior of another; complicity; mens rea.

(a) A person is guilty of an offense or liable for an infraction described in this Code committed by the behavior of another individual if:

. . .

(2) Such person acts with the culpable mental state sufficient for the commission of the offense or infraction in question and causes an innocent individual to engage in such behavior. For the purpose of this Subsection, *innocent individual* shall mean any individual not guilty of an offense or liable for an infraction, despite their behavior, because of duress, legal incapacity or exemption, or because such individual was unaware of the unlawful nature of the conduct in question or of the defendant's unlawful purpose, or because of any other factor, precluding the mental state required for the commission of the offense or infraction in question.

. . .

(e) Unless otherwise specified, the offenses in the Fort Collins Municipal and Traffic Codes are strict liability offenses. Strict liability offenses are established by proof beyond a reasonable doubt of conduct which includes a voluntary act or the omission to perform an act which the person is physically capable of performing and does not require a culpable mental state on the part of the actor.

Section 3. Section 1-25 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 1-25. - Sentences to probation.

(a) A person who has been convicted of a misdemeanor traffic offense, petty offense, or misdemeanor is eligible to be sentenced to the Municipal Court probation. A person may be referred to or ordered to probation for supervision of conditions of any deferred judgment and sentence agreement.

...

(d) In addition to imposing other conditions, if the conviction is for a jailable offense, the Municipal Court may impose jail as a condition of probation. The aggregate length of any such commitment whether continuous or at designated intervals may not exceed sixty (60) days for a misdemeanor traffic or misdemeanor offense or ten (10) days for a petty offense 1 (PO1).

...

Introduced, considered favorably on first reading on July 21, 2026, and approved on second reading for final passage on August 18, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: August 28, 2026
Approving Attorney: Alyssa Bamonti

Exhibit: None