

ORDINANCE NO. 090, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING PORTIONS OF CHAPTER 4 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 4 of the Fort Collins City Code which governs animal offenses.

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

C. 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.

D. City Code contains numerous provisions establishing municipal offenses without clearly identifying the level of offense applicable to each violation.

E. City Council desires to amend these provisions to identify the appropriate level of offense for each violation consistent with state law and the City's updated penalty framework.

F. Code Section(s) 4-71, 4-72, 4-75, 4-76, 4-116, 4-117, 4-118, 4-121, 4-122, and 4-123 are changes to offense without state equivalents and are being amended to improve clarity, provide clear notice to the public, align with state law, and ensure consistency in charging and sentencing.

G. 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.

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 4-1 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-1. Definitions.

The following words, terms and phrases, when used in this Chapter, shall have the meanings ascribed to them in this Section:

...

Dangerous or vicious animal is any animal which has:

...

(5) acted in a manner that causes or should cause its owner to know that it is potentially vicious, or

(6) attacked or bitten a person and thereby caused death or serious bodily injury to such person;

(7) on two (2) or more occasions, attacked or bitten a person causing bodily injury to such person; or

(8) on two (2) or more occasions, killed or caused serious bodily injury to another pet animal; or

(9) been trained for fighting or is owned or kept for the purpose of animal fighting.

...

Section 2. The definition of "*Vicious animal*" contained in Section 4.1 of the Code of the City of Fort Collins is hereby deleted in its entirety:

Section 3. Section 4-31 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (d) which reads in its entirety as follows:

Sec. 4-31 License required.

...

(d) A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 4. Section 4-34 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-34. License tags.

...

(c) Every dog or cat whose age is such that it is not required by this Chapter to be licensed shall bear an identification tag setting forth the name and address of its owner or keeper.

(d) If a license is lost or destroyed, the license holder may obtain a duplicate tag from the City or the Humane Society upon payment of a replacement fee.

...

(f) A first or second finding of liability under Subsections (a), (b), or (d) is a civil infraction. A third or subsequent violation of Subsections (a), (b), or (d) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 5. Section 4-51 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (d) which reads in its entirety as follows:

Sec. 4-51. Rabies vaccination required.

...

(d) A first or second finding of liability under this Subsection (a) is a civil fraction. A third or subsequent violation of Subsection (a) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 6. Section 4-52 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (h) which reads in its entirety as follows:

Sec. 4-52. Reporting animal bites; confinement.

...

(h) A first or second finding of liability under Subsection (a) is a civil infraction. A third or subsequent violation of Subsection (a) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 7. Section 4-53 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-53. Destruction of rabies infected animals.

If rabies has been detected in any animal, such animal shall be summarily destroyed.

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 8. Section 4-70 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-70. Improper care or treatment prohibited.

(a) No owner or keeper of an animal shall knowingly, recklessly, or with criminal negligence fail to provide that animal with sufficient good and wholesome food and water, proper shelter and protection from the weather, veterinary care, when necessary, and such other care as is customary and necessary for the animal's health and well-being, considering the species, breed and type of animal.

(b) No person shall knowingly, recklessly, or with criminal negligence leave any animal unattended within a parked vehicle so as to place the animal in danger of suffering heat exhaustion, heatstroke or death. Authorized personnel may make a prima facie determination as to whether the animal is in danger of suffering heat exhaustion, heatstroke or death, which determination may be based upon, but not limited to, a consideration of the following factors:

...

(c) No person shall knowingly, recklessly, or with criminal negligence beat, cruelly ill-treat, torment, overload, overwork, otherwise abuse or needlessly kill an animal or cause, instigate or permit any dogfight, cockfight, bullfight or other combat between animals or between animals and humans, nor shall any person transport or confine an animal in or upon any vehicle in such manner as to endanger the animal's health or life.

(d) No owner of an animal shall intentionally abandon such animal.

...

(f) Violations of Subsections (a), (b), (c), or (d) are class 1 misdemeanors. A violation of Subsection (e) is an unclassified misdemeanor.

Section 9. Section 4-71 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-71. Removal of animal waste required.

...

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 10. Section 4-72 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-72. Minimum size of pasture area for horses or ponies.

...

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 11. Section 4-73 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (g) which reads in its entirety as follows:

Sec. 4-73. Limitation on possession and feeding of wild or exotic animals.

...

(g) A first or second finding of liability under Subsection (a) or (b) is a civil infraction. A third or subsequent violation of Subsection (a) or (b) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a class 1 misdemeanor.

Section 12. Section 4-74 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-74. Maltreatment of performing animals prohibited.

...

A first or second finding of liability under this Section is a civil infraction punishable by up to a one thousand dollar (\$1,000) fine. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a class 1 misdemeanor.

Section 13. Section 4-75 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-75. Vehicular accidents with animals; duties.

...

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as an unclassified misdemeanor.

Section 14. Section 4-76 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-76. Removal of dead animals required.

...

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as petty offense (PO1).

Section 15. Section 4-93 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (f) which reads in its entirety as follows:

Sec. 4-93. Animals at large prohibited.

...

(f) A first or second finding of liability under Subsections (a), (b), (c), or (e) is a civil infraction. A third or subsequent violation of Subsections (a), (b), (c), or (e) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1) if no injury was involved or a class 2 misdemeanor if injury was involved.

Section 16. Section 4-94 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (e) which reads in its entirety as follows:

Sec. 4-94. Animal disturbance of peace and quiet prohibited.

...

(e) A first or second finding of liability under Subsection (a) is a civil infraction. A third or subsequent violation of this Subsection (a) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 17. Section 4-95 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-95. Public nuisance prohibited

(a) It shall be unlawful for any owner or keeper to fail to exercise proper care and control of their animal to prevent it from becoming a public nuisance.

(b) For purposes of this Section, a "public nuisance" means an animal that is not a dangerous animal or vicious animal, but otherwise:

(1) creates a safety or health hazard to persons or property; or

- (2) damages or destroys the real or personal property of another; or
 - (3) creates offensive odors or unsanitary conditions that materially and unreasonably interfere with another person's lawful use and enjoyment of the person's home or property.
- (c) If no bodily injury to a person occurred, a violation of this Section is a petty offense (PO1).
- (d) If bodily injury to a person occurred, a violation of this Section is a class 2 misdemeanor.

Section 18. Section 4-96 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-96. Dangerous or vicious animals prohibited; permits; impoundment.

(a) It shall be unlawful for any person to own, possess, harbor, keep or maintain any dangerous or vicious animal within the City unless the Humane Society or the Municipal Judge has issued a permit for such animal consistent with the provisions contained in Subsection (c) below. A person commits ownership of a dangerous animal if such person owns, possesses, harbors, keeps, has a financial or property interest in, or has custody or control over a dangerous or vicious animal.

(b) It is a defense to the charge of owning or keeping a dangerous or vicious animal that the person or animal that was attacked or bitten by the allegedly dangerous or vicious animal was:

...

(c) For purposes of this Section, a person is lawfully upon the premises of an owner or keeper when such person is on the premises in the performance of any duty imposed by law or by the express or implied invitation of the owners of such premises or the owner's agent.

(d) Dangerous animal permit.

(1) If an animal control officer has reasonable grounds to believe that an animal is dangerous or vicious, the animal control officer may issue a summons to the owner or keeper of such animal and, in their discretion, may also issue a permit temporarily allowing the continued keeping of the animal within the City pending disposition of the summons so long as the owner or keeper of the animal complies with the requirements set forth in the permit. Said requirements shall include any conditions necessary to ensure that no person or animal is injured by the

dangerous animal. Permits shall only be issued for an individual animal. Temporary Permit requirements shall include, but are not limited to, the following:

. . .

(2) Temporary dangerous animal permits may be made permanent, modified or rescinded only upon order of the court upon disposition of the summons issued. A permanent dangerous animal permit becomes a civil order of the court. In making determinations, the court may receive evidence from the owner or keeper and the complainant, the animal control officer, a veterinarian, a licensed animal trainer, a Humane Society agent and any person having personal knowledge of the animal's condition. If the court finds that the animal is dangerous but decides that certain requirements set out in the temporary permit are not necessary for the protection of the public and other animals, the court may delete or modify those requirements.

(3) If the owner or keeper of an animal that is the subject of a dangerous or vicious animal citation has not been issued a permit to retain the animal under Paragraph (d)(1) of this Section, or if such person fails to comply with any of the requirements imposed under a temporary permit issued under this Section, or if such animal is found at large, the Humane Society is authorized to impound the animal at the owner's or keeper's expense until final disposition of any summons issued.

If the court finds that the animal is dangerous or vicious and does not order the animal destroyed, the court shall order the animal be registered with a Dangerous Animal Permit and comply with all permit requirements, in addition to any other requirements ordered by the court in accordance with § 4-197 of this Code.

(4) After a period of thirty-six (36) consecutive months from the date of the civil order issuing the permanent dangerous animal permit, and with no further violations of any provisions of this Chapter 4, the registered owner or keeper may petition the court by making a written request for a hearing to prove to the Court by clear and convincing evidence that the animal is no longer dangerous and/or to release some or all of the permit requirements. At such hearing, the court may require proof that the conditions of the permit have been satisfied for the requisite period, require the owner to produce the animal for inspection, allow an animal control officer to observe the animal in its natural surroundings, and to submit information pertinent to the dangerousness of the animal. If the court determines that the animal still constitutes a dangerous animal but that certain requirements contained in the permit are no longer necessary, the court may delete those conditions from the permit or modify them.

(5) Any person to whom a dangerous animal permit has been issued, or who requests that such a permit be modified or rescinded under the provisions of this Section, shall pay a fee to the Humane Society and court in an amount sufficient to cover the estimated costs of issuing, modifying or rescinding such permit, as

applicable. The amount of such fee and the time of payment shall be determined by the Humane Society and court and are in addition to any other fees authorized under this chapter.

(6) No person or dwelling unit or premises shall be issued more than two (2) dangerous animal permits at any time.

(e) It shall be unlawful for any person that owns, possesses, harbors, keeps or maintains an animal that has been deemed to be dangerous or vicious to fail to comply with the terms and conditions of any dangerous animal permit or to fail to register a dangerous or vicious animal as required in paragraph (d).

(f) A violation of this Section is as follows:

(1) Any owner or keeper who violates Subsection (a) of this Section whose animal inflicts serious bodily injury to a person commits a class 1 misdemeanor.

(2) Any owner or keeper who violates Subsection (a) of this Section whose animal inflicts bodily injury upon any person commits a class 2 misdemeanor.

(3) Any owner or keeper who violates Subsection (a) of this Section whose animal injures or causes the death of any domestic animal commits a class 2 misdemeanor.

(4) Any owner or keeper who violates Subsection (e) of this Section commits a class 2 misdemeanor.

Section 19. Section 4-97 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 4-97 is held in reserve.

Sec. 4-97. Reserved.

Section 20. Section 4-116 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-116. Quantity of pet animals restricted.

In no event shall any person keep at their premises more pet animals than can be properly maintained in a healthy condition without presenting a health or safety hazard to the owners, keeper or others and without constituting a nuisance to the occupants of neighboring properties.

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 21. Section 4-117 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (c) which reads in its entirety as follows:

Sec. 4-117. Sale of chickens and ducklings; quantity restricted; keeping of chickens and ducks.

...

(c) A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 22. Section 4-118 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-118. Use of animals as inducement prohibited.

...

A first or second finding of liability under this Section is a civil infraction. A third or subsequent violation of this Section within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 23. Section 4-119 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-119. Use of poison restricted.

...

A violation of this Section is a petty offense (PO1).—A and is punishable by a fine of forty dollars (\$40) shall be assessed.

Section 24. Section 4-120 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-120. Trapping restricted.

...

(c) In the event that the presence of a wild or domestic animal within the City creates an imminent threat of injury to persons or serious damage to property, the Chief of Police, after consultation with the Humane Society and, in the case of a wild animal, the Colorado Division of Parks and Wildlife, may authorize the capture and disposition of said animal by such means as they may consider reasonably necessary; provided, however, that no

firearm may be utilized in the capture or disposition of such animal except by a peace officer trained in the use of the same under such circumstances as will not, in the judgment of said peace officer, unreasonably endanger the safety of others.

(d) A violation of this Section is a petty offense (PO1). ~~A~~ and is punishable by a fine of forty dollars (\$40) ~~shall be assessed.~~

Section 25. Section 4-121 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (c) which reads in its entirety as follows:

Sec. 4-121. Keeping of goats.

. . .

(c) A first or second finding of liability under Subsection (a) is a civil infraction. A third or subsequent violation of this Subsection (a) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 26. Section 4-122 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (e) which reads in its entirety as follows:

Sec. 4-122. Retail sale of dogs and cats in stores prohibited.

. . .

(e) A first or second finding of liability under Subsection (a) is a civil infraction. A third or subsequent violation of this Subsection (a) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 27. Section 4-123 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (c) which reads in its entirety as follows:

Sec. 4-123. Sale of dogs and cats in public places prohibited.

. . .

(c) A first or second finding of liability under Subsection (a) is a civil infraction. A third or subsequent violation of this Subsection (a) within a twelve (12) month period may, in the prosecutor's discretion, be charged as a petty offense (PO1).

Section 28. Section 4-142 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-142. Sterilization of adopted animals required.

...

A violation of this Section is a civil infraction punishable by up to a one thousand dollar (\$1000) fine.

Section 29. Section 4-157 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 4-157. Killing or capturing wild birds restricted.

...

A violation of this Section is a class 1 misdemeanor.

Section 30. Section 4-177 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 4-177 is held in reserve

Sec. 4-177. Reserved.

Section 31. Section 4-196 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 4-196 is held in reserve.

Sec. 4-196. Reserved.

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