

ORDINANCE NO. 095, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING THE FORT COLLINS TRAFFIC CODE TO ALIGN
WITH STATE LAW AND MAKING OTHER RELATED UPDATES
AND CORRECTIONS

A. The updates in this Ordinance govern general provisions for the Fort Collins Traffic Code.

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. While the Camp decision did not apply specifically to traffic offenses, to ensure equitable enforcement, clarity, consistency, and to avoid potential challenges similar to the Camp case, the City is aligning misdemeanor traffic offenses with state law as most traffic misdemeanors in the City Code are identical to state traffic misdemeanors.

E. City Code contains numerous provisions establishing misdemeanor traffic offenses without clearly identifying the level of offense applicable to each violation.

F. City Council desires to amend these provisions to identify the appropriate level of offense for each misdemeanor traffic violation consistent with state law and the City's updated penalty framework and clarify other ambiguous 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. 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.

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

J. An additional traffic infraction is added to address failing to yield to the right-of-way of transit buses. This has been identified as an issue by City staff, would allow The City to enforce such violations, and would maintain consistency with state law.

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 227 of the Fort Collins Traffic Code is hereby amended to read as follows:

227. Window unobstructed – certain materials prohibited – windshield wiper requirements

. . .

- (3) A violation of this Section is a traffic infraction.
- (4) Subsection (1)(a) through (e) of this Section shall not apply to law enforcement vehicles, police officers, peace officers or other law enforcement officers operating a motor vehicle while in the performance of their official duties.
- (5) This Section shall apply to all motor vehicles, except that Subsection (2) of this Section shall not apply to low-speed electric vehicles.

Section 2. Section 235 of the Fort Collins Traffic Code is hereby amended to read as follows:

235. Minimum standards for commercial vehicles.

. . .

- (2) No person shall operate a commercial vehicle on any public highway unless such vehicle is in compliance with the rules and regulations adopted by the Department. Any person who violates a rule or regulation promulgated by the Department commits a misdemeanor traffic 2 offense (MT2).

Section 3. Section 239 of the Fort Collins Traffic Code is hereby amended to read as follows:

239. Misuse of a mobile electronic device - definitions

. . .

- ~~(2) No person under eighteen (18) years of age shall use a mobile electronic device while operating a motor vehicle.~~
- (32) Except as specified in Subsection (43) of this Section, an individual shall not use a mobile electronic device while operating a motor vehicle.

- (43) It is not a violation of Subsections (2) ~~or (3)~~ of this Section to use a mobile electronic device:

...

- ~~(5) (a) A person who operates a motor vehicle in violation of Subsection (2) of this Section commits a traffic infraction defined in Section 1-15 of the City Code, and the court shall assess a minimum fine of fifty dollars (\$50).~~

- ~~(b) The court shall assess a fine of one hundred dollars (\$100) upon a second or subsequent violation of Subsection (2) of this Section.~~

- (5.54) (a) A person who operates a motor vehicle in violation of subsection (3) of this Section commits a class 2 misdemeanor traffic offense, and the court shall assess a fine of three hundred dollars (\$300) **traffic infraction**.

- (65) (a) ~~An operator of a motor vehicle shall not be cited for a violation of Subsection (2) of this Section unless the operator was under eighteen (18) years of age and a law enforcement officer saw the operator use a mobile electronic device.~~

- ~~(b) An operator of a motor vehicle shall not be cited for a violation of Subsection (32) of this Section unless a law enforcement officer saw the operator use a mobile electronic device for the purpose of engaging in text messaging or other similar forms of manual data entry or transmission, in a manner that caused the operator to drive in a careless and imprudent manner, without due regard for the width, grade, curves, corners, traffic, and use of the streets and highways and all other attendant circumstances, as prohibited by Section 1402.~~

- (76) This Section does not apply to an individual with a commercial driver's license who is operating a commercial vehicle.

- (87) The provisions of this Section shall not be construed to authorize the seizure and forfeiture of a wireless telephone, unless otherwise provided by law.

Section 4. Section 301 of the Fort Collins Traffic Code is hereby amended to read as follows:

301. Certificate of emission.

...

- (3) Any vehicle owner who violates any provision of Subsection (1) of this Section is guilty of a misdemeanor traffic 2 offense (MT2) and, upon conviction thereof, shall be punished by a fine of fifty dollars (\$50). Any nonowner driver who violates this Section is guilty of a misdemeanor traffic 2 offense (MT2) and upon conviction thereof, shall be punished by a fine of fifty dollars (\$50) fifteen dollars (\$15).

...

- (5) Any person, except for any emissions inspector or emissions mechanic, who violates any provision of Subsection (4) of this Section is guilty of a traffic infraction.

Any emissions inspector or emissions mechanic who violates Subsection (4) is guilty of a class 2 misdemeanor.

...

Section 5. Section 302 of the Fort Collins Traffic Code is hereby amended to read as follows:

302. - Visible emissions from non-diesel-powered motor vehicles.

...

- (5) ~~Any person who violates the provisions of Subsection (1) of this Section is guilty of a misdemeanor traffic offense and, upon conviction thereof, shall be punished in accordance with Subsection 1015 of the City Code.~~ A violation of Subsection (1) of this Section is a traffic infraction.

Section 56. Section 507 of the Fort Collins Traffic Code is hereby amended to read as follows:

507. Wheel and axle loads.

...

- (6) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 67. Section 508 of the Fort Collins Traffic Code is hereby amended to read as follows:

508. Gross weight of vehicles and loads.

...

- (3) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 78. Section 509 of the Fort Collins Traffic Code is hereby amended to read as follows:

509. Vehicles weighed – excess removed.

...

- (5) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 89. Section 510 of the Fort Collins Traffic Code is hereby amended to read as follows:

510. Permits for excess size and weight and for manufactured homes.

...

- (2) In the event of an imminent natural or man-made disaster or emergency, including, but not limited to, rising waters, flood or fire, the owner, owner's representative or agent, occupant or tenant of a manufactured home or the mobile home park owner or manager, lienholder or manufactured home dealer is specifically exempted from the need to obtain a permit pursuant to this Section and may move the endangered manufactured home out of the danger area to a temporary or new permanent location and may move such manufactured home back to its original location without a permit, penalty or fee requirement. Upon any such move to a temporary location as a result of a disaster or emergency, the person making the move or their agent or representative shall notify the county assessor in the county to which the manufactured home has been moved, within twenty (20) days after such move, of the date and circumstances pertaining to the move and the temporary or permanent new location of the manufactured home. If the manufactured home is moved to a new permanent location from a temporary location as a result of a disaster or emergency, a permit for such move shall be issued but no fee shall be assessed.

...

- (9) (a) Any person holding a permit issued pursuant to Section 42-4-510, C.R.S., or any person operating a vehicle pursuant to such permit who violates any provision of Section 42-4-510, C.R.S., any ordinance or resolution of a local authority or any standards or rules or regulations promulgated pursuant to Section 42-4-510, C.R.S., except the provisions of Section 42-4-510(2)(b), C.R.S., commits a ~~class 2 misdemeanor and, upon conviction thereof, shall be fined four hundred dollars (\$400)~~ **traffic infraction**.

. . .

Section 910. Section 514 of the Fort Collins Traffic Code is hereby amended to read as follows:

514. Hazardous materials transport – deviation from authorized route – penalty.

. . .

- (2) Any person who transports hazardous materials by motor vehicle in a manner inconsistent with the provisions of Subsection (1) of this Section commits a misdemeanor traffic 2 offense (MT2) and shall be assessed a penalty of two hundred fifty dollars (\$250) for each separate violation. A person who commits a second or subsequent violation within a twelve-month period of transporting hazardous materials by motor vehicle in a manner inconsistent with the provisions of Subsection (1) of this Section commits a misdemeanor traffic 1 offense (MT1) and shall be issued a summons and complaint, and upon conviction thereof, ~~shall be punished~~ **is punishable** by a fine of not less than two hundred fifty dollars (\$250) nor more than five hundred dollars (\$500).

. . .

Section 110. Section 607 of the Fort Collins Traffic Code is hereby amended to read as follows:

607. Interference with official devices.

. . .

- (2) No person shall **use, possess,** or sell, without lawful authority, any electronic device **or other device** that is designed to cause **or causes** a traffic light to change.
- (3) Any person who violates Subsections (1) and (2) commits a traffic infraction, except that a person who violates Subsection (2) and thereby proximately causes bodily injury to another person commits a misdemeanor traffic 1 offense (MT1) and, in addition to any other penalty, the Court shall impose a fine of one thousand dollars (\$1,000).

Section 124. Section 705 of the Code of the City of Fort Collins is hereby amended to read as follows:

705. Operation on approach of emergency vehicles.

...

- (3) On a highway with at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle is located, the driver of an approaching or passing vehicle shall proceed with due care and caution and yield the right-of-way by moving into a lane at least one (1) moving lane apart from the stationary authorized emergency vehicle, stationary towing carrier vehicle, or stationary public utility service vehicle unless directed otherwise by a peace officer or other authorized emergency personnel. If movement to an adjacent moving lane is not possible due to weather, road conditions or the immediate presence of vehicular or pedestrian traffic, the driver of the approaching vehicle shall proceed in the manner described in Subsection (5) of this Section.
- (4) On a highway that does not have at least two (2) adjacent lanes proceeding in the same direction on the same side of the highway where a stationary authorized emergency vehicle is located, or if the movement by the driver of the approaching vehicle into an adjacent moving lane, as described in Paragraph (a) of this Subsection (3), is not possible, the driver of an approaching vehicle shall reduce and maintain a safe speed with regard to the location of the stationary authorized vehicle, stationary towing vehicle, or stationary public utility service vehicle, weather conditions, road conditions and vehicular or pedestrian traffic and proceed with due care and caution, or as directed by a peace officer or other authorized emergency personnel.
- (5) A driver in a vehicle shall exhibit due care and caution and proceed as described in Subsections (3) and (4) of this Section when approaching or passing:
 - (a) A stationary authorized emergency vehicle that is giving a visual signal by means of flashing, rotating, or oscillating red, blue, or white lights as permitted by Section 213 or 222; or
 - (b) A stationary towing carrier vehicle that is giving a visual signal by means of flashing, rotating, or oscillating yellow lights; or
 - (c) A stationary public utility service vehicle that is giving a visual signal by means of flashing, rotating, or oscillating amber lights; or
 - (d) A stationary motor vehicle giving a hazard signal by displaying alternately flashing lights or displaying warning lights.
- (6) A violation of this Section is as follows:
 - (a) A violation of Subsections (1), (2), (3), or (4) is a traffic infraction.

- (b) A violation of Subsection (5) ~~commits~~ **is deemed** careless driving as described in Section 1402, which is classified as a misdemeanor traffic 2 offense (MT2).

Section 1**3**2. The Fort Collins Traffic Code is hereby amended by the addition of a new Section 713 which reads in its entirety as follows:

713. Yielding right-of-way to transit buses

- (1) As used in this Section, unless the context otherwise requires:
 - (a) “Public mass transit operator” means a state or local governmental entity which provides mass transit services within the state of Colorado.
 - (b) “Transit bus” means a bus operated by a public mass transit operator.
- (2) Drivers of vehicles in the same lane of traffic and behind a transit bus shall yield the right-of-way to the bus if:
 - (a) The driver of the transit bus, after stopping to allow passengers to board or exit, is signaling an intention to enter a traffic lane; and
 - (b) A yield sign as described in Subsection (3) of this Section is displayed and illuminated on the back of the transit bus.
- (3) The yield sign referred to in paragraph (b) of Subsection (2) of this Section shall:
 - (a) Warn a driver of a vehicle behind the transit bus that the driver is required to yield when the bus is entering a traffic lane; and
 - (b) Be illuminated when the driver of the transit bus is attempting to enter a traffic lane.
- (4) This Section does not require a public mass transit operator to install yield signs as described in Subsection (3) of this Section on transit buses operated by the public mass transit operator.
- (5) This Section does not relieve a driver of a transit bus from the duty to drive with due regard for the safety of all persons using the roadway.

Section 1**4**3. Section 1008.5 of the Fort Collins Traffic Code is hereby amended to read as follows:

1008.5 Crowding or threatening a bicyclist.

. . .

- (2) Any person who violates Subsection (1) of this Section commits careless driving as described in Section 1402, which is classified as a misdemeanor traffic 2 offense (MT2).

Section 154. Section 1101 of the Code of the City of Fort Collins is hereby amended to read as follows:

1101. Speed limits.

. . .

- (11) (a) A violation of driving one (1) to twenty-four (24) miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five (75) miles per hour is a traffic infraction.
- (b) A violation of driving twenty-five (25) or more miles per hour in excess of the reasonable and prudent speed or in excess of the maximum lawful speed limit of seventy-five (75) miles per hour is a misdemeanor traffic 2 offense (MT2); except that such violation within a maintenance, repair, or construction zone, designated pursuant to Section 42-4-614 C.R.S., is a misdemeanor traffic 1 offense (MT1).
- (c) A violation under Subsection (3) of this Section is a traffic infraction.

Section 165. Section 1105 of the Fort Collins Traffic Code is hereby amended to read as follows:

1105. Speed contests, exhibition of speed – immobilization.

. . .

- (5) (a) A violation of Subsection (1) is a misdemeanor traffic 1 offense (MT1).
- (b) A violation of Subsection (2) is a misdemeanor traffic 2 offense (MT2).
- (c) A violation of Subsection (3) is punishable pursuant to the level of offense applicable to the underlying violation.

- (ed) In addition to any sentence imposed on a second or subsequent conviction for violation of this Section, the Court may order the motor vehicle involved in the speed contest or exhibition immobilized pursuant to Subsection 42-4-1105(5) through (9), C.R.S.

Section 176. Section 1107 of the Fort Collins Traffic Code is hereby amended to read as follows:

1107. Designation of highway maintenance, repair or construction zone signs - increase in penalties for speeding violations.

- (1) If maintenance, repair or construction activities are occurring or will be occurring within four (4) hours on a local street or state highway, the City Traffic Engineer may designate such portion of the highway as a highway maintenance, repair or construction zone.

Any person who commits a speeding violation in a maintenance, repair or construction zone that is designated pursuant to the provisions of this Section is subject to increased penalties up to two thousand six hundred fifty dollars (\$2,650) for speeding one (1) to twenty-four (24) miles per hour over the speed limit (TI) and up to one (1) year jail and up to a one thousand dollar (\$1,000) fine for speeding twenty-five (25) or more miles per hour over the speed limit (MT1).

Section 187. Section 1108 of the Fort Collins Traffic Code is hereby amended to read as follows:

1108. School zones - increase in penalties for speeding violations.

When official traffic control devices and signs giving notice of the appropriate speed limit for a school zone are erected or displayed, the lawful speed limit at the applicable times and place shall be that which is then indicated upon such signs. No posted speed limit for a school zone shall be less than twenty (20) miles per hour on any street or roadway.

- (1) ~~Any person who commits a speeding violation in a school zone commits a traffic infraction and is subject to increased fines up to two thousand six hundred fifty dollars (\$2,650).~~ A violation of this Section is punishable pursuant to the level of offense applicable to the underlying speeding violation, except that any fines are doubled for a violation within a school zone under this Section.

. . .

Section 198. Section 1401 of the Fort Collins Traffic Code is hereby amended to read as follows:

1401. Reckless driving.

...

A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 1920. Section 1402 of the Fort Collins Traffic Code is hereby amended to read as follows:

1402. Careless driving.

...

- (2) Any person who violates any provision of this Section commits a misdemeanor traffic 2 offense (MT2) if no injury occurred. If injury occurred, a violation of this Section is a misdemeanor traffic 1 offense (MT1).

Section 210. Section 1406 of the Fort Collins Traffic Code is hereby amended to read as follows:

1406. Foreign matter on highway prohibited.

...

- (5) Except as provided below, any person who violates any provision of this Section commits a traffic infraction.

...

- (b) Any person who violates any provision of Paragraph (b) of Subsection (1) of this Section is guilty of a petty offense 1 (PO1).

...

Section 224. Section 1413 of the Fort Collins Traffic Code is hereby amended to read as follows:

1413. Obedience to police officers - eluding.

...

- (2) Any operator of a motor vehicle who the officer has reasonable grounds to believe has violated a state law or local ordinance, who has received a

visual or audible signal such as a red light or a siren from a police officer driving a marked, unmarked or other authorized emergency vehicle directing the operator to bring the operator's vehicle to a stop, who willfully increases their speed or extinguishes their lights in an attempt to elude such police officer, who willfully attempts in any other manner to elude the police officer, or who does elude such police officer commits a misdemeanor traffic 2 offense (MT2).

Section 232. Section 1415 of the Fort Collins Traffic Code is hereby amended to read as follows:

1415. Radar-jamming devices prohibited - penalty.

. . .

- (4) A violation of Subsection (1) of this Section is a misdemeanor traffic 2 offense (MT2).

. . .

Section 243. Section 1418 of the Fort Collins Traffic Code is hereby amended to read as follows:

1418. Unreasonable vehicle noise prohibited.

. . .

- (3) Any person who violates this Section commits an unclassified misdemeanor offense.

Section 254. Section 1704 of the Fort Collins Traffic Code is hereby amended to read as follows:

1704. Offenses by persons controlling vehicles.

. . .

A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 265. Section 1801 of the Fort Collins Traffic Code is hereby amended to read as follows:

1801. Authority to impound and immobilize.

. . .

- (4) If the owner of a motor vehicle does not respond to a notice sent to them by the Clerk of the Court, Municipal Court Clerk's Office or Parking Services pursuant to this Traffic Code and any Parking Services personnel, code enforcement officer, community service officer or police officer finds such vehicle standing upon any portion of a street or highway right-of-way or other public property within the City, then such employee is authorized to immobilize such vehicle by installing on or attaching to such vehicle a device designed to restrict the normal movement of the vehicle. In such event, the employee shall attach to the vehicle a notice advising the owner, driver or person in charge of the vehicle that the vehicle was immobilized due to the failure to respond to a previous notice regarding alleged violation(s) of the Traffic Code. Said notice shall also include information regarding the procedure for releasing the vehicle from such immobilization or impoundment, which may be obtained by contacting the Office of Parking Services. Arrangements for release must be made within seventy-two (72) hours of immobilization. If no arrangements are made within that time period, an immobilized vehicle may be impounded. Before a vehicle may be released from immobilization or impoundment, all fines, fees and other penalties applicable to such vehicle, including fees established for immobilizing and impounding the vehicle, must be paid in full.

...

- (8) Subsection (7) ~~and (8)~~ of this Section shall not apply to City employees acting in the performance of their official duties.
- (9) At any place within the City where authorized signs are posted, giving notice that such area or portion of the street or highway right-of-way is a tow-away zone, it shall be unlawful for any person to park a vehicle in any manner in violation of the provisions contained on such signs except when necessary to avoid conflict with other traffic, or in compliance with the instructions of a police officer, traffic control signal or device. When a vehicle is found in violation of this subsection, a police officer, community service officer, transit service officer, or parking services officer may do any or all of the following:

...

- (10) A violation of Subsection (2) is a petty offense 1 (PO1). A violation of Subsection (7) is an unclassified misdemeanor.

Section 276. Section 1903 of the Fort Collins Traffic Code is hereby amended to read as follows:

1903. School buses – stops – signs – passing.

- (1) The driver of a vehicle upon any highway, road or street, upon meeting or overtaking from either direction any school bus which has stopped, shall stop their vehicle before reaching such school bus if there are in operation on said school bus visual signal lights as specified in Subsection (2) of this Section, and said driver shall not proceed until the visual signal lights are no longer being actuated; but, in the case of small passenger-type vehicles operated as school buses having a seating capacity of not more than fifteen (15), no such visual signal lights need be displayed or actuated.

...

- (3) A first violation of this Section is a misdemeanor traffic 2 offense (MT2). A person who commits a second or subsequent violation of this Section after having been previously convicted of violating this Section within the previous five (5) years commits a misdemeanor traffic 1 offense (MT1).

Section 287. Section 2102 of the Fort Collins Traffic Code is hereby amended to read as follows:

2102. Reckless and careless riding.

...

- (3) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 298. Section 2104 of the Fort Collins Traffic Code is hereby amended to read as follows:

2104. Land usage.

...

- (d) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 2930. Section 2105 of the Fort Collins Traffic Code is hereby amended to read as follows:

2105. Turns.

- (1) (a) Except as otherwise provided in this Subsection (1), every person riding a bicycle or electrical assisted bicycle shall signal their intention to turn or stop in accordance with the provisions of Section 903; except that a person riding a bicycle, electrical assisted bicycle or electric scooter may signal a right turn with the right arm extended horizontally.

...

- (d) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 319. Section 2106 of the Fort Collins Traffic Code is hereby amended to read as follows:

2106. Sidewalks and trails.

...

- (2) (a) ...

...

- (e) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 324. Section 2108 of the Fort Collins Traffic Code is hereby amended to read as follows:

2108. Parking.

...

- (f) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

Section 332. Section 2109 of the Fort Collins Traffic Code is hereby amended to read as follows:

2109. Riding behavior.

...

- (3) No person riding upon any bicycle, electrical assisted bicycle or electric scooter shall attach the same or themselves to any motor vehicle upon a roadway.

...

- (6) A violation of this Section is a misdemeanor traffic 2 offense (MT2).

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