

ORDINANCE NO. 092, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING PORTIONS OF CHAPTER 17 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 17 of the Fort Collins City Code which governs miscellaneous 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. 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. Repeals set forth are based on changes to the state law since the enactment of the City Code

H. Code Section(s) 17-42, 17-43, 17-44, 17-69, 17-70, 17-103, 17-121, 17-122, 17-125, 17-129, 17-131, 17-132, 17-136, 17-137, 17-141, 17-142, 17-143, 17-163, 17-164, 17-165, 17-182, 17-192, and 17-194 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.

I. 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 17-3 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 17-3 is held in reserve.

Sec. 17-3. Reserved.

Section 2. Section 17-21 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-21. Assault.

(a) No person shall knowingly or recklessly cause bodily injury to another person or with criminal negligence cause bodily injury to another person by means of a deadly weapon. This provision does not apply in the event of serious bodily injury or if the assault is otherwise felonious.

(b) No person shall, with intent to harass, annoy, threaten, or alarm another person whom the actor knows or reasonably should know to be a peace officer, a firefighter, an emergency medical care provider, or an emergency medical service provider, cause the other person to come into contact with blood, seminal fluid, urine, feces, saliva, mucus, vomit, or toxic, caustic, or hazardous material by any means, including throwing, tossing, or expelling the fluid or material.

A violation of this section is a class 1 misdemeanor.

Section 3. Section 17-36 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-36. Theft.

(a) No person shall knowingly obtain, retain, or exercise control over anything of value of less than two thousand dollars (\$2,000-) of another without authorization, or by threat or deception; receives, loans money by pawn or pledge on, or disposes of anything of value or belonging to another that they know or believes to have been stolen, and when such person:

. . .

(5) Knowingly retains the thing of value more than seventy-two hours after the agreed-upon time of return in any lease or hire agreement; or

(6) Intentionally misrepresents or withholds a material fact for determining eligibility for a public benefit and does so for the purpose of obtaining or retaining public benefits for which the person is not eligible.

(b) For the purposes of this Section, a thing of value is that of “another” if anyone other than the defendant has a possessory or proprietary interest therein.

(c) A violation of this Section **is** ~~shall be classified and punished~~ as follows:

- (1) Petty offense (PO1) if the value is less than three hundred dollars (\$300);
- (2) Class 2 misdemeanor if the value is three hundred dollars (\$300) or more but less than one thousand dollars (\$1,000);
- (3) Class 1 misdemeanor if the value is one thousand dollars (\$1,000) or more but less than two thousand dollars (\$2,000).

Section 4. Section 17-38 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-38. - Concealment of goods.

If any person willfully conceals unpurchased goods, wares or merchandise valued at less than two thousand dollars (\$2,000) owned or held by and offered or displayed for sale by any store or other mercantile establishment, whether the concealment be on their own person or otherwise and whether on or off the premises of the store or mercantile establishment, such concealment constitutes prima facie evidence that the person intended to commit the crime of theft.

Section 5. Section 17-39 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-39 Criminal Mischief

(a) A person commits criminal mischief when they knowingly damage the real or personal property of one (1) or more other persons, including property owned by the person jointly with another person or property owned by the person in which another person has a possessory or proprietary interest, and including property owned by the City, in the course of a single criminal episode.

(b) For purposes of this section, *damage* includes the reasonable cost of repair or replacement necessary to restore the property.

(c) A violation of this Section **is** ~~shall be classified and punished~~ as follows:

- (1) Petty offense (PO1) if the damage is less than three hundred dollars (\$300);
- (2) Class 2 misdemeanor if the damage is three hundred dollars (\$300) or more but less than one thousand dollars (\$1,000);
- (3) Class 1 misdemeanor if the damage is one thousand dollars (\$1,000) or more but less than two thousand dollars (\$2,000).

Section 6. Section 17-40 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. 17-40. Trespass; trespass on railroad property.

...

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

- (1) A violation of Subsection (a) or (b) of this Section is a petty offense (PO1).
- (2) A violation of Subsection (c) of this Section is an unclassified misdemeanor.

Section 7. Section 17-41 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-41. Littering.

...

(d) A violation of this Section is a civil infraction.

- (1) The maximum fine for a first conviction is five hundred dollars (\$500).
- (2) The maximum fine for a second or subsequent conviction is one thousand dollars (\$1000).

Section 8. Section 17-42 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-42. Posting notices and handbills on premises.

...

(i) A violation of Subsection (b), (c), (d), or (e) is a petty offense (PO1).

Section 9. Section 17-43 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-43. Tampering.

...

A violation of this Section is an unclassified misdemeanor.

Section 10. Section 17-44 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-44. Misuse of public waters.

...

A violation of this Section is an unclassified misdemeanor.

Section 11. Section 17-45 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-45. Damage to public property.

...

A violation of this Section **is** ~~shall be classified and punished~~ as follows:

- (1) Petty offense (PO1) if the damage is less than three hundred dollars (\$300);
- (2) Class 2 misdemeanor if the damage is three hundred dollars (\$300) or more but less than one thousand dollars (\$1,000);
- (3) Class 1 misdemeanor if the damage is one thousand dollars (\$1,000) or more but less than two thousand dollars (\$2,000).

Section 12. Section 17-46 of the Code of the City of Fort Collins is hereby amended by the addition of a new Subsection (k) which reads in its entirety as follows:

Sec. 17-46. Appropriate use of public facilities.

...

(k) A violation under this Section is a petty offense (PO1).

Section 13. Section 17-61 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-61. False alarm.

(a) No person shall intentionally make a false or needless request for police or ambulance assistance or for the assistance of any specially commissioned officer of the City pursuant to §2-503(b)(2).

(b) No person shall knowingly cause by any means, including but not limited to activation, a false alarm of fire or other emergency or a false emergency exit alarm to sound or to be transmitted to or within an official or volunteer fire department, ambulance

service, law enforcement agency, or any other government agency which deals with emergencies involving danger to life or property.

(c) No person shall aid or abet in commission of Subsections (a) or (b).

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

(1) A violation of this Section is a class 1 misdemeanor if the false alarm or request causes the occupants of a building, place of assembly, or facility of public transportation to be evacuated or to be issued a shelter-in-place order, the false alarm or request causes any disruptions or impacts to regular activities, the false alarm or request results in the initiation of a standard response protocol in response to the false alarm, or the emergency response results in bodily injury of another person.

(2) If none of the above conditions in Subsection (d)(1) occur, a violation of this Section is a class 2 misdemeanor.

Section 14. Section 17-62 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-62. False report to law enforcement authorities.

(a) No person shall make a report or knowingly cause the transmission of a report to law enforcement authorities of a crime or other incident within their official concern when they know that it did not occur.

(b) No person shall make a report or knowingly cause the transmission of a report to law enforcement authorities pretending to furnish information relating to an offense or other incident within their official concern when the person knows that they have no such information or knows that the information is false.

(c) No person shall knowingly provide false identifying information to law enforcement authorities.

(d) No person shall knowingly make a false report of an imminent threat to the safety of a person or persons by use of a deadly weapon.

(e) For purposes of this Section, *law enforcement authorities* means Fort Collins Police Services, Poudre Fire Authority, Colorado State University Police Department, or any specially commissioned officer of the City appointed by the Chief of Police pursuant to Paragraph 2-503(b)(2) of this Code.

(f) As used in this section, *identifying information* means a person's name, address, birth date, social security number, or driver's license or Colorado identification number.

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

(1) A violation of Subsections (a), (b), or (c) is a class 2 misdemeanor.

(2) A violation of Subsection (d) is a class 1 misdemeanor.

Section 15. Section 17-63 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-63. Interference

(a) No person shall knowingly obstruct, impair, or hinder any peace officer, firefighter, emergency medical services provider, rescue specialist, volunteer, specially commissioned officer of the City, City employee or other public official acting under the color of their official authority to enforce the law or perform an official duty by using or threatening the use of violence, force, physical interference, or obstacle, or by knowingly providing false or misleading information to any such officer, employee, or official.

(b) When a peace officer or specially commissioned officer of the City, acting under the color of their official authority, is enforcing the law or performing an official duty, no person shall, after having been ordered by said officer to move on and away from the scene of the officer's activity, knowingly remain in the officer's presence or engage in conduct that disrupts, obstructs, impairs, or hinders the officer's enforcement of the law or the performance of their official duty.

(c) To ensure that animals used in law enforcement or fire investigation activities are protected from harm, no person shall knowingly obstruct, impair, or hinder any such animal in performing its law enforcement or fire prevention or investigation activities by using or threatening to use violence, force, physical interference or obstacle.

(d) It is no defense to a prosecution under this Section that a peace officer or specially commissioned officer of the City was acting in an illegal manner if the officer was acting under the color of their official authority. An officer acts *under the color of their official authority* if, in the regular course of assigned duties, such officer makes a judgment in good faith based upon surrounding facts and circumstances that they must act to enforce the law or preserve the peace.

(e) The terms *peace officer* and *firefighter* when used in this Section shall mean a peace officer or firefighter in uniform or, if out of uniform, one who has identified themselves by exhibiting peace officer or firefighter credentials to the person charged under this Section.

(f) The term *specially commissioned officer* of the City when used in this Section shall mean a specially commissioned officer of the City appointed by the Chief of Police pursuant to Paragraph 2-503(b)(2) of this Code who has identified themselves by exhibiting official credentials to the person charged under this Section.

(g) A violation of this Section is a class 2 misdemeanor.

Section 16. Section 17-64 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-64. Resisting arrest.

(a) No person shall knowingly prevent or attempt to prevent a peace officer, acting under color of official authority, from effecting an arrest of any person by:

. . .

(b) A peace officer is acting under color of official authority when, in the course of their duties, the peace officer is called upon to make or does in fact make a good faith judgment based on surrounding facts and circumstances that an arrest should be made. It is no defense to a prosecution under this Section that the arrest was unlawful if the peace officer was acting under color of official authority and did not use unreasonable or excessive force in effecting the arrest. A peace officer acts "under color of official authority" when, in the regular course of assigned duties, such officer is called upon to make, and does make, a judgment in good faith based upon facts and circumstances that an arrest should be made.

(c) The term "*peace officer*" as used in this Section means a peace officer in uniform or, if out of uniform, one who has identified themselves by exhibiting credentials as such peace officer to the person who arrest is attempted.

(d) ~~Resisting arrest~~ A violation of this Section is a class 2 misdemeanor.

Section 17. Section 17-65 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 17-65 is held in reserve.

Sec. 17-65. Reserved.

Section 18. Section 17-66 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-66. Impersonating a public officer.

No person other than a firefighter with the Poudre Fire Authority, or specially commissioned officer of the City shall wear or carry the uniform, apparel, badge, identification card or any other insignia of office like or similar to, or a colorable imitation of, that adopted or worn or carried by firefighters, or other specially commissioned officer of the City, respectively. No person shall in any other way falsely represent themselves to be a firefighter or specially commissioned officer of the City, nor shall any person not

so authorized exercise any duty, power or function of a ~~police officer, firefighter~~ or specially commissioned officer of the City.

A violation of this Section is a class 2 misdemeanor.

Section 19. Section 17-67 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 17-67 is held in reserve.

Sec. 17-67. Reserved.

Section 20. Section 17-68 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 17-68 is held in reserve.

Sec. 17-68. Reserved.

Section 21. Section 17-69 of the Code of the City of Fort Collins is hereby amended by the addition of subsections (d) and (e) which read in their entirety as follows:

Sec. 17-69. Violation of court orders.

...

(d) A person may not be charged under this Section for failing to appear in court.

(e) A violation of this Section is an unclassified misdemeanor.

Section 22. Section 17-70 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-70. Fraudulent identification documents prohibited.

...

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

(1) A violation of Subsection (a)(5), (a)(6), (a)(7), or (a)(8) is an unclassified petty offense.

(2) A violation of Subsection (a)(1), (a)(2), (a)(3), or (a)(4) is an unclassified misdemeanor offense.

Section 23. Section 17-81 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-81. Abandoned refrigerators and similar items.

. . .

A violation of this Section is a petty offense (PO1).

Section 24. Section 17-101 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-101. Discharging of weapons; permit.

- (a) No person shall knowingly discharge a firearm towards another person.
- (b) No person shall recklessly or with criminal negligence fire or shoot any gun, pistol, crossbow, bow and arrow, slingshot or other firearm or weapon whatsoever, including BB guns or pellet guns, except as otherwise provided in this Section.
- (c) The discharge of firearms or weapons by any member of any law enforcement office in the course of such member's law enforcement training exercises or official duty shall not be deemed a violation of Subsection (a) above, and any firing range or training facility operated and maintained by Fort Collins Police Services or the County Sheriff's Office is exempt from the permit requirements specified in Subsection (c) below. The discharge of firearms or weapons in a City natural area, as defined in Section 23-192, by a person in possession of a valid, current, City-issued hunting permit shall not be deemed a violation of Subsection (a) above if the discharge occurs within the area identified and in the manner authorized by the subject permit.
- (d) The Police Chief may issue a revocable permit allowing the discharge of firearms or weapons to any person discharging such firearms or weapons at a specific location to test-fire firearms cleaned or repaired at a licensed firearms dealer's business location only in areas of the City zoned for such firearms business use and only those established and operating as such businesses at the specific location prior to October 31, 2006, or to any public or private entity allowing the discharge of such weapons as part of an educational program or class of the City's Recreation Division, any school or university or at an established firing or archery range, provided that:

. . .
- (e) No person shall violate the terms of any permit granted hereunder. Any violation shall, in addition to criminal penalties, result in the revocation of the permit.
- (f) This provision does not apply in the event of a discharge of a firearm into any dwelling or any other building or occupied structure or any motor vehicle occupied by a person or if the discharge of a firearm is otherwise felonious. The conduct described in this Subsection (f) is a felony and cannot be prosecuted in Municipal Court.
- (g) A violation of this Section is a class 1 misdemeanor.

Section 25. Section 17-102 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-102. Throwing of missiles.

- (a) No person shall knowingly throw any missiles at or against any vehicle or bicyclist.
- (b) As used in this Section, *missile* means any object or substance.
- (c) A violation of this Section is as follows:
 - (1) If a missile is thrown at or against any vehicle, the person commits a civil infraction.
 - (2) If a missile is thrown at or against any bicyclist, the person commits a class 2 misdemeanor.

Section 26. Section 17-103 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-103. Bodily waste.

...

A violation of this Section is an unclassified misdemeanor.

Section 27. Section 17-121 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-121. Disturbing the peace.

...

A violation of this Section is an unclassified misdemeanor.

Section 28. Section 17-122 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. 17-122. Staying on medians prohibited.

...

- (f) A violation of this Section is a petty offense (PO1).

Section 29. Section 17-123 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-123. Loitering about schools.

- (a) No person shall, with intent to interfere with or disrupt the school program or with intent to interfere with or endanger school children, loiter, idle, wander, stroll or play in a school building or on school grounds or within one hundred (100) feet of school grounds, either on foot or in or on any vehicle, when persons under the age of eighteen (18) years are present in the building or on the grounds, when such person has no reason or relationship involving custody of, or responsibility for a pupil or any other specific, legitimate reason for being there, and has been asked to leave by a school administrator or representative or by a peace officer.
- (b) The word *loiter* means to be dilatory, to stand idly around, to linger, delay, or wander about, or to remain, aide, or tarry in a public place.
- (c) It shall be an affirmative defense that the defendant's acts were lawful and they were exercising their rights of lawful assembly as a part of peaceful and orderly petition for the redress of grievances, either in the course of labor disputes or otherwise.
- (d) A violation of this Section is a petty offense (PO1).

Section 30. Section 17-124 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-124. Disorderly Conduct

- (a) It is unlawful for any person to intentionally, knowingly or recklessly:
 - . . .
 - (2) Make unreasonable noise in a public place or near a private residence that such person has no right to occupy; or
 - (3) Fight with another in a public place except in an amateur or professional contest of athletic skill; or
 - (4) Not being a peace officer, displays a real or simulated firearm, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a firearm, or represents verbally or otherwise that they are armed with a firearm in a public place in a manner calculated to alarm and does alarm another person; or
 - (5) Not being a peace officer, discharges a firearm in a public place except when engaged in lawful target practice or hunting or the ritual discharge of blank ammunition cartridges as an attendee at a funeral for a deceased person who was a veteran of the armed forces of the United States.

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

(1) A violation under Subsection (a)(1) or (a)(2) of this Section is a petty offense (PO1); except that, if the offense is committed with intent to disrupt, impair, or interfere with a funeral, or with intent to cause severe emotional distress to a person attending a funeral, it is a class 2 misdemeanor.

(2) A violation under Subsection (a)(3) is a petty offense (PO1).

(3) A violation under Subsection (a)(4) is a class 2 misdemeanor.

(4) A violation under Subsection (a)(5) is a class 1 misdemeanor.

Section 31. Section 17-125(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-125. Use of parking areas.

...

(b) A violation of this Section is an unclassified petty offense.

Section 32. Section 17-126 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-126. Harassment

(a) A person commits harassment if, with intent to harass, annoy or alarm another person, they:

...

(4) Directly or indirectly initiates communication with a person or directs language toward another person, anonymously or otherwise, by telephone, telephone network, data network, text message, instant message, computer, computer network or computer system, or other interactive electronic medium in a manner intended to threaten bodily injury or property damage, or makes any comment, request, suggestion or proposal by telephone, computer, computer network, ~~or~~ computer system, or other interactive electronic medium which is obscene; or

...

(7) Repeatedly insult, taunt, challenge, or makes communications in offensively coarse language to another in a manner likely to provoke a violent or disorderly response; or

(8) Wrongfully interferes with a transit worker performing a lawful duty.

(b) As used in this Section, unless the context otherwise requires, *obscene* means a patently offensive description of ultimate sexual acts or solicitation to commit ultimate sexual acts, whether or not said ultimate sexual acts are normal or perverted, actual or simulated, including masturbation, cunnilingus, fellatio, anilingus or excretory functions.

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

(1) A violation of Subsection (a)(1), (a)(3), or (a)(8) of this Section commits a class 1 misdemeanor.

(2) A violation of Subsection (a)(4), (a)(5), (a)(6), or (a)(7) of this Section commits a class 2 misdemeanor.

(3) A violation of subsection (a)(2) of this Section commits a petty offense (PO1).

(d) Any act prohibited by Paragraph (4) of Subsection (a) of this Section may be deemed to have occurred or to have been committed at the place at which the telephone call, electronic mail, or other electronic communication was either made or received.

Section 33. Section 17-128 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-128. Obstructing a highway or passageway.

. . .

(b) No person acting without legal privilege shall intentionally, knowingly, or recklessly:

. . .

(2) Disobey a reasonable request or order to move issued by one whom the person knows to be a peace officer, a firefighter, or a person with authority to control the use of the premises, to prevent obstruction of a highway or passageway or to maintain public safety by dispersing those gathered in dangerous proximity to a fire, riot, or other hazard.

(c) For purposes of this Section, the term *obstruct* shall mean to render impassable or to render passage unreasonably inconvenient or hazardous.

(d) The term *unreasonably inconvenient or hazardous* as defined in Subsection (a) shall include, but not be limited to, sitting, kneeling, or lying within twenty (20) feet of the entrance to any business establishment during the business hours of that establishment, whether or not a particular person's passageway has, in fact, been impeded.

(e) The foregoing prohibitions against sitting, kneeling, or lying within twenty (20) feet of the entrance to a business establishment during business hours shall not apply to any person who is:

...

(f) A violation this Section is a petty offense (PO1); except that knowingly obstructing the entrance into, or exit from, a funeral or funeral site, or knowingly obstructing a highway or other passageway where a funeral procession is taking place is a class 2 misdemeanor.

Section 34. Section 17-129 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-129. Unreasonable noise prohibited.

...

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

(1) A first violation of this Section is an unclassified petty offense.

(2) A second or subsequent violation of the Section within a twelve (12) month period is an unclassified misdemeanor.

...

Section 35. The definition of "*Responsible person*" contained in Section 17-130 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-130. Definitions.

...

Responsible person shall mean any person convicted of a violation of Subsection 17-131(b). If such a person is under the age of eighteen (18) years, the term *responsible person* also includes the person's parent or guardian.

...

Section 36. Section 17-131 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-131. Nuisance gatherings prohibited; penalty.

(a) A *nuisance gathering* means a social gathering or party which is conducted at a private place within the City and which, by reason of the conduct of those persons in attendance would:

. . .

(b) Any person being the owner, occupant, tenant or otherwise having any possessory control, individually or jointly with others, of any private place who either sponsors, conducts or hosts a social gathering or party and knowingly permits such social gathering or party to become a nuisance gathering as defined in this section commits an unclassified misdemeanor, and may further be ordered, as a condition of any sentence, to pay the costs of abatement pursuant to § 17-133.

(c) In any prosecution for a violation of this Section, proof that the owner or tenant of the private place upon which the nuisance gathering occurred was present at the time of the violation shall constitute prima facie evidence that such person was in control of the private place and sponsored, conducted or hosted the social gathering or party and knowingly permitted the violation to occur.

(d) All participants in any party or social gathering declared to be a nuisance gathering by a police officer shall cease participating and immediately disperse upon order of a police officer, and all persons not domiciled at the site of such social gathering or party shall leave the property immediately. Any person failing or refusing to obey and abide by such order commits an unclassified misdemeanor offense.

(e) Proof that a person convicted of a violation of this Section had attempted to disperse the participants at the social gathering or party, together with written verification that such person had initiated contact with Fort Collins Police Services or Colorado State University Police Department for assistance, shall be a mitigating factor in determining an appropriate penalty and apportionment of the cost of abatement.

Section 37. Section 17-132 of the Code of the City of Fort Collins is hereby deleted in its entirety and Section 17-132 is held in reserve.

Sec. 17-132. Reserved.

Section 38. Section 17-136 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-136. Possession of graffiti materials by minors prohibited.

. . .

(c) A violation of this Section is an unclassified petty offense.

Section 39. Section 17-137 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-137. Possession of graffiti materials prohibited.

...

(b) A person possesses graffiti materials when they possess any paint, marking pen, materials, instrument or other article adapted, designed or commonly used for committing or facilitating the commission of an offense involving damaging, defacing or destroying public or private property and intends to use the thing possessed in the commission of such offense, or knows that some other person intends to use the thing possessed in the commission of such an offense.

...

(d) A violation of this Section is an unclassified petty offense.

Section 40. Section 17-141 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. 17-141. Carrying or drinking alcohol or fermented malt beverages in certain places.

...

(e) A violation of this Section is an unclassified petty offense.

Section 41. Section 17-142 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-142. Public nudity.

(a) No person who is ten (10) years of age or older shall intentionally expose any portion of their genitals or buttocks while that person is located:

...

(c) A violation of this Section is an unclassified misdemeanor.

Section 42. Section 17-143 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-143. Window peeping.

(a) No person shall be upon any property owned or occupied by another for the purpose of looking or peeping into any window, door, skylight or other opening in any house, room or other building occupied as a residence.

(b) No person shall loiter in a public street, alley, parking lot or other public place for the purpose of wrongfully observing the actions of the occupant of a place occupied as a residence.

(c) A violation of this Section is an unclassified misdemeanor.

Section 43. Section 17-145 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-145. Definitions; promoting certain materials or performances prohibited.

(a) The following words, terms and phrases, when used in this Section, shall have the following meanings:

...

(b) Promoting certain materials or performances prohibited.

...

(2) *Publicly displaying obscene material.* No person shall publicly display obscene material. A person violates this Subsection if that person knowingly:

...

(c) This provision does not apply in the event of promotion of obscenity to a minor or if the promotion of obscenity is otherwise felonious. The conduct described in this Subsection (c) is a felony and cannot be prosecuted in Municipal Court.

(d) A violation of this section is a class 2 misdemeanor.

Section 44. The definition of "*Substances releasing toxic vapors*" contained in Section 17-161 of the Code of the City of Fort Collins is hereby deleted in its entirety.

Section 45. Section 17-162 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-162. Use or possession as narcotic prohibited.

(a) No person shall knowingly smell or inhale the fumes of toxic vapors for the purpose of causing a condition of euphoria, excitement, exhilaration, stupefaction or dulled senses

or nervous system, nor knowingly possess, buy or use any such substance for the purpose of violating or aiding another to violate this Section.

(b) For the purposes of this section, the term “toxic vapors” means the following substances or products containing such substances:

- (1) Alcohols, including methyl, isopropyl, propyl, or butyl;
- (2) Aliphatic acetates, including ethyl, methyl, propyl, or methyl cellosolve acetate;
- (3) Acetone;
- (4) Benzene;
- (5) Carbon tetrachloride;
- (6) Cyclohexane;
- (7) Freons, including freon 11 and freon 12;
- (8) Hexane;
- (9) Methyl ethyl ketone;
- (10) Methyl isobutyl ketone;
- (11) Naphtha;
- (12) Perchlorethylene;
- (13) Toluene;
- (14) Trichloroethane; or
- (15) Xylene.

(c) In a prosecution for a violation of this section, evidence that a container lists one or more of the substances described in subsection (b) of this section as one of its ingredients shall be prima facie evidence that the substance in such container contains toxic vapors and emits the fumes thereof.

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

- (1) A violation of this Section is a petty offense (PO1).

(2) A second or subsequent violation of this Section within a twelve (12) month period is a class 2 misdemeanor.

Section 46. Section 17-163 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-163. Sale of substances regulated.

...

A violation of this Section is an unclassified misdemeanor.

Section 47. Section 17-164 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-164. Sales restricted to bona fide commercial establishments.

...

A violation of this Section is an unclassified misdemeanor.

Section 48. Section 17-165 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-165. Sale for prohibited purposes unlawful.

...

A violation of this Section is an unclassified misdemeanor.

Section 49. Section 17-167 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-167. Underage possession or consumption of alcohol prohibited.

(a) No person under twenty-one (21) years of age may possess or consume any ethyl alcohol anywhere in the City.

(b) A violation of this Section shall be a strict liability offense.

(c) It shall be an affirmative defense to the offenses described in Subsection (a) above that the ethyl alcohol was possessed or consumed by a person under twenty-one (21) years of age under the following circumstances:

...

(d) An underage person shall be immune from criminal prosecution under this Section if they establish the following:

. . .

(e) The testimony regarding the label of a bottle, can or other container will not constitute hearsay.

(f) A label which identifies the contents of any bottle, can or other container as "beer," "ale," "malt beverage," "fermented malt beverage," "malt liquor," "wine," champagne," "whiskey," "gin," "vodka," "tequila," "schnapps," "brandy," "cognac," "liqueur," "cordial," "alcohol," or "liquor" shall constitute *prima facie* evidence that the contents of the bottle, can or other container was composed in whole or part of ethyl alcohol.

(g) Evidence that the defendant was under the age of twenty-one (21) years, and manifested any of the characteristics commonly associated with ethyl alcohol intoxication or impairment while present anywhere in the City, shall be *prima facie* evidence of the violation of Subsection (a).

(h) The Municipal Court shall report violations of this Section and the failure to complete an alcohol education program to the Colorado Department of Revenue pursuant to C.R.S. Section 42-2-125.

(i) Upon dismissal of a case after a completion of a deferred judgment or diversion or any other action resulting in dismissal of the case or upon completion of the court-ordered substance abuse education and payment of any fine for a first conviction of this Section, the Municipal Court shall immediately order the case sealed and provide to the underage person and the prosecutor a copy of the order sealing the case for distribution by the appropriate party to all law enforcement agencies.

(j) A violation of Subsection (a) is **an unclassified** petty offense punishable as follows:

(1) The maximum fine for a first offense is one hundred dollars (\$100) or the court shall order completion of a substance abuse education program, or both.

(2) The maximum fine for a second offense is one hundred dollars (\$100) and the court shall order completion of a substance abuse education program and up to twenty-four (24) hours of useful public service.

(3) The maximum fine for a third offense is two hundred fifty dollars (\$250) and the court shall order substance abuse evaluation and treatment and up to thirty-six (36) hours of useful public service.

Section 50. Section 17-168 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-168. Social host for ethyl alcohol or marijuana possession or consumption by persons under twenty-one years of age.

...

(d) A violation of this Section is a civil infraction.

Section 51. Section 17-169 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-169. Underage sales prohibited.

...

A violation of this Section is a class 2 misdemeanor.

Section 52. Section 17-170 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-170. Misrepresentation of age prohibited.

...

(c) A violation of this Section is a class 2 misdemeanor.

Section 53. Section 17-181 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-181. Camping on public property restricted.

...

A violation of this Section is petty offense (PO1).

Section 54. Section 17-182 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-182. Camping on private property restricted; exceptions.

...

(c) A violation of this Section is a petty offense (PO1).

Section 55. Section 17-191 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-191. Consumption and possession of marijuana.

. . .

(c) No person shall possess more than one (1) ounce of recreational marijuana or more than two (2) ounces of medical marijuana.

(d) No person under twenty-one (21) years of age shall consume or possess recreational marijuana. Illegal possession or consumption of recreational marijuana by an underage person is a strict liability offense.

(e) No person under twenty-one (21) years of age shall consume or possess medical marijuana unless they are a patient or primary caregiver in possession of a valid registry identification card pursuant to Article XVIII, Section 14 of the Colorado Constitution. Illegal possession or consumption of medical marijuana by an underage person is a strict liability offense.

(f) The possession or consumption of marijuana shall not constitute a violation of Subsections (d) and (e) if such possession or consumption takes place for religious purposes protected by the first amendment to the United States Constitution.

(g) A person shall be immune from criminal prosecution under this Section if they establish the following:

(1) The person reports in good faith an emergency drug or alcohol overdose event to a law enforcement officer, to the 911 system, or to a medical provider, or the person aids or seeks aid for the person who suffered the emergency drug or alcohol overdose;

(2) The person remains at the scene of the event until law enforcement or an emergency medical responder arrives;

(3) The person identifies themselves to, and cooperates with, the law enforcement officer, emergency medical responder, or medical provider; and

(4) The offense arises from the same course of events from which the emergency drug or alcohol oversold event arose.

(h) Prima facie evidence of a violation of Subsections (d) and (e) shall consist of:

. . .

(i) Upon dismissal of a case after a completion of a deferred judgment or diversion or any other action resulting in dismissal of the case or upon completion of the court-ordered

substance abuse education and payment of any fine for a first conviction of this Subsection (d) or Subsection (e), the Municipal Court shall immediately order the case sealed and provide to the underage person and the prosecutor a copy of the order sealing the case for distribution by the appropriate party to all law enforcement agencies.

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

(1) A violation of Subsections (a), (b), or (c) is an unclassified petty offense punishable by a fine of up to one hundred dollars (\$100) and up to twenty-four (24) hours of useful public service.

(2) A violation of Subsection (d) or (e) is an unclassified petty offense punishable as follows:

a. The maximum fine for a first offense is one hundred dollars (\$100) or the court shall order completion of a substance abuse education program, or both.

b. The maximum fine for a second offense is one hundred dollars (\$100) and the court shall order completion of a substance abuse education program and up to twenty-four (24) hours of useful public service.

c. The maximum fine for a third offense is two hundred fifty dollars (\$250) and the court shall order substance abuse evaluation and treatment and up to thirty-six (36) hours of useful public service.

Section 56. Section 17-192 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-192 Marijuana clubs prohibited.

...

A violation of this Section is an unclassified misdemeanor.

Section 57. Section 17-193 of the Code of the City of Fort Collins is hereby amended by read as follows:

Sec. 17-193. Transfer or display of marijuana on City-owned property prohibited.

...

A violation of this Section is a class 2 misdemeanor.

Section 58. Section 17-194 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 17-194. Use of alcohol, including ethanol for extractions prohibited.

. . .

A violation of this Section is an unclassified misdemeanor.

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