

ORDINANCE NO. 089, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 1-15 OF THE CODE OF THE CITY OF
FORT COLLINS TO ALLOW SOME SPECIFIED TRAFFIC
VIOLATIONS TO BE DESIGNATED AS A MISDEMEANOR
OFFENSE

A. Current City Code Section 1-15, regarding general penalty and surcharges for misdemeanors offenses, petty offenses, traffic offenses, and traffic and civil infractions, states that all traffic offenses that do not have a state equivalent charge shall be deemed a traffic infraction.

B. New Section 1418, Unreasonable Vehicle Noise Prohibited under consideration in Ordinance No. 086, 2025, does not have a state equivalent charge and therefore would be penalized as an infraction with a possible penalty of a fine of up to \$3,000.

C. The specific fine for each traffic infraction is typically set at a specific amount as adopted in the Court's fine schedule. All fines for traffic infractions can be paid online and do not require a court appearance.

D. The proposed amendment to Section 1-15 of the City Code would allow specified traffic offenses, such as violation of Unreasonable Vehicle Noise Prohibited, to be classified as a misdemeanor offense instead of a traffic infraction. The penalty range for a misdemeanor is a fine up to \$3,000 and/or up to 180 days in jail.

E. By amending this section of the code, any traffic code provisions that are designated as a misdemeanor offense will require the driver to appear in court. Their appearance will allow the prosecution and court an opportunity to meet with the offenders and encourage changed behaviors for these types of violations.

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 that Section 1-15(b) of the Code of the City of Fort Collins is hereby amended to read as follows:

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

...

(b) A violation of any provision of Chapter 28, Vehicles and Traffic, in this Code or the Fort Collins Traffic Code, shall be deemed to be a traffic infraction if, at the time of the commission of the violation, its counterpart violation under the provisions of Article 4 in Title 42 of the Colorado Revised Statutes, if any, is designated by state law as being a traffic infraction. If no counterpart violation exists under state law, the violation shall be

deemed to be a traffic infraction **unless otherwise designated**. All other violations under Chapter 28 of this Code or the Fort Collins Traffic Code shall be considered misdemeanors punishable as described in Subsection (a) above. Any person against whom judgment is entered for a traffic infraction under this Code shall be subject to the penalty of a fine and any surcharge, the total of which is not to exceed three thousand dollars (\$3,000), and shall not be subject to imprisonment on account of such judgment.

. . .

Introduced, considered favorably on first reading on May 20, 2025, and approved on second reading for final passage on June 3, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: June 13, 2025

Approving Attorney: Dawn Downs

Exhibits: None