

ORDINANCE NO. 094, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTIONS OF CHAPTER 23-193 AND 23-203 OF THE CODE OF THE
CITY OF FORT COLLINS TO ALIGN WITH STATE LAW AND MAKING OTHER
RELATED UPDATES AND CORRECTIONS

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

B. 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.

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

D. 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.

E. 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.

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. 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 23-193 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-193. - Prohibited acts; permits.

(a) It shall be unlawful to:

. . .

(16) Violate the following in any natural area:

...

d. Section 12-37~~20~~, prohibiting tampering with refuse or rubbish containers;

...

g. Fort Collins Traffic Code or Chapter 28, regarding vehicles and traffic.

...

(c) ~~It shall be unlawful to~~ No person shall engage in any conduct or activity within or upon a natural area when a sign has been posted by the Service Unit that the particular area or a portion of the area is closed for such use, based upon a determination by the Service Unit that such prohibition is appropriate to protect the safety or well-being of persons or animals; the natural area, related facilities or any other City property or facility; the use and enjoyment of said areas or facilities by the general public; the needs and objectives of the City in maintaining and operating the same; and/or the natural environment in general. Specific activities that shall be unlawful when posted as prohibited by a sign include (but are not limited to):

...

~~(f) Any person who violates a provision of subsections (c)(1) or (c)(2) of this § 23-193 is guilty of a civil infraction punishable by a fine in accordance with § 1-15(f). Any person who violates subsections (a)(2), (a)(5), (a)(6), (a)(7), (a)(8), (a)(12), (a)(14), (a)(17), (b), (d)(2), (d)(3), (d)(5), (d)(11), (d)(12), or (d)(16) of this § 23-193 is guilty of a petty offense punishable by a fine in accordance with § 1-15(h). Any person who violates any other subsection of this § 23-193 commits a misdemeanor punishable by a fine or jail in accordance with § 1-15(a).~~

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

(1) A violation of Subsection (a)(6), (a)(14), and (d)(18) of this Section is a civil infraction punishable by up to a one hundred dollar (\$100) fine.

(2) A violation of Subsection (a)(1), (a)(2), (a)(3), (a)(4), (a)(5), (a)(7), (a)(8), (a)(9), (a)(11), (a)(12), (a)(15), (a)(17), (a)(18), Subsection (b), Subsection (c), (d)(1), (d)(2), (d)(3), (d)(10), (d)(11), (d)(12), (d)(13), (d)(14), (d)(15), (d)(16), (d)(17), (d)(19), (d)(21), or (d)(22) of this Section is a petty offense (PO1).

(3) A violation of Subsection (a)(10), (a)(13), (d)(4), (d)(5), (d)(6), (d)(7), (d)(8), (d)(9), is a class 2 misdemeanor.

(4) A violation of Subsection (d)(20) is a class 1 misdemeanor.

(5) A violation of Subsection (a)(16) of this Section shall be guilty of the level of offense applicable to the underlying violation.

~~(g) Any person who violates subsection (1)(16) of this § 23-193 shall be guilty of the level of offense applicable to the underlying violation.~~

Section 2. Section 23-203 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 23-203. - Prohibited acts; permits.

(a) It shall be unlawful to:

(1) Discard, dispose or release any waste or hazardous substance of any kind in a recreation area or in a manner reasonably likely to result in the entrance of such waste or hazardous substance into or upon a recreation area, except for the disposal of incidental trash generated from activities in the recreation area in receptacles provided and marked for disposal of trash.

(2) Bring any glass container into a recreation area or possess the same while in any recreation area except when removing containers during site clean-up activities.

(3) Bathe or wash any persons or objects in any waters of a recreation area, or otherwise in any manner reasonably likely to result in the release of any waste or hazardous substance in any waters of a recreation area.

(4) Drive, hit or throw golf balls into or upon any recreation area, except City golf courses in accordance with the rules and regulations of the golf courses.

(5) Operate or park a motor vehicle or other motorized means of conveyance anywhere in a recreation area other than on established roadways and in designated parking areas, with the following exceptions:

...

~~(2) Discard, dispose or release any waste or hazardous substance of any kind in a recreation area or in a manner reasonably likely to result in the entrance of such waste or hazardous substance into or upon a recreation area, except for the disposal of incidental trash generated from activities in the recreation area in receptacles provided and marked for disposal of trash.~~

~~(3) — Bring any glass container into a recreation area or possess the same while in any recreation area except when removing containers during site clean-up activities.~~

~~(4) — Bathe or wash any persons or objects in any waters of a recreation area, or otherwise in any manner reasonably likely to result in the release of any waste or hazardous substance in any waters of a recreation area.~~

~~(5) — Drive, hit or throw golf balls into or upon any recreation area, except City golf courses in accordance with the rules and regulations of the golf courses.~~

~~. . .~~

~~(f) — Any person who violates subsections (a)(3), (a)(9), (a)(10), (a)(12), (b), (d)(3), (d)(10), or (d)(11) of this § 23-203 is guilty of a petty offense punishable by a fine in accordance with § 1-15(h). Any person who violates any other subsection of this § 23-203 commits a misdemeanor punishable by a fine or jail in accordance with § 1-15(a).~~

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

(1) A violation of Subsection (a)(5) is a civil infraction punishable by up to a one hundred dollar (\$100) fine.

(2) A violation of subsections (a)(1), (a)(2), (a)(3), (a)(4), (a)(6), (a)(8), (a)(10), (a)(11), (a)(12), (a)(13), (a)(14), subsection (b), subsection (c), subsection (d)(1), (d)(2), (d)(3), (d)(9), (d)(10), (d)(11), (d)(12), (d)(13), (d)(14), (d)(15), (d)(16) is a petty offense PO1).

(3) A violation of Subsection (a)(7), (d)(4), (d)(5), (d)(6), (d)(7), and (d)(8) is a class 2 misdemeanor.

(4) A violation of Subsection (a)(15) shall be guilty of the level of offense applicable to the underlying violation.

~~(g) — Any person who violates subsection (a)(15) of this § 23-203 shall be guilty of a level of offense applicable to the underlying violation.~~

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