

ORDINANCE NO. 093, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 20-42 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 that Section 20-42 of the Code of the City of Fort Collins is hereby amended to read as follows:

Sec. 20-42. - Weeds, unmowed grasses, refuse and rubbish nuisances prohibited.

. . .

(i) ~~No person shall cause or allow the disposal of refuse or rubbish by burning except in an incinerator that is designed for such purpose and pursuant to an operating permit from the State Department of Public Health and Environment. In no event may rubbish~~

~~or refuse be burned in a stove or fireplace except for clean, dry, untreated wood~~ The owner or occupant of any premises within the City, whether business, commercial, industrial or residential premises, shall maintain the property in a neat, tidy, methodical, systematic, clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended. If a property is used for a purpose (including, without limitation, a junkyard) which, by its fundamental nature, cannot be maintained as required above, then, in lieu thereof, such property, or any affected portion thereof, shall be completely screened from public view and from the view of any abutting property that is used for residential purposes.

. . .

~~(n) The owner or occupant of any premises within the City, whether business, commercial, industrial or residential premises, shall maintain the property in a neat, tidy, methodical, systematic, clean and orderly condition, permitting no deposit or accumulation of materials other than those ordinarily attendant upon the use for which the premises are legally intended. If a property is used for a purpose (including, without limitation, a junkyard) which, by its fundamental nature, cannot be maintained as required above, then, in lieu thereof, such property, or any affected portion thereof, shall be completely screened from public view and from the view of any abutting property that is used for residential purposes~~ No person shall cause or allow the disposal of refuse or rubbish by burning except in an incinerator that is designed for such purpose and pursuant to an operating permit from the State Department of Public Health and Environment. In no event may rubbish or refuse be burned in a stove or fireplace except for clean, dry, untreated wood.

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

(1) A first or second finding of liability under Subsections (a) through (l) is a civil infraction. A third or subsequent violation of Subsections (a) through (l) may, in the prosecutor's discretion, be charged as an unclassified misdemeanor.

(2) A violation of Subsections (m) and (n) 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