

ORDINANCE NO. 059, 2026
OF THE COUNCIL OF THE CITY OF FORT COLLINS
REPEALING AND REENACTING AS AMENDED SECTION 1-15 OF THE CODE OF
THE CITY OF FORT COLLINS CONCERNING GENERAL PENALTIES TO ALIGN
WITH STATE LAW FOLLOWING IN RE PEOPLE V. CAMP AND IN RE PEOPLE V.
SIMONS

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 Section 1-15 currently contains general penalty provisions that govern misdemeanor offenses, petty offenses, traffic offenses, and civil infractions.

D. The City Attorney's Office, in coordination with the Municipal Court, has reviewed current practices and confirmed that sentencing is being administered in compliance with the requirements of the Camp and Simons decisions.

E. City Council desires to amend Code Section 1-15 to align the City Code with state law, clarify penalty classifications, and provide clear guidance regarding applicable penalties.

F. City Council further desires to ensure that penalties imposed under the City Code do not exceed the maximum penalties authorized by state law for substantially similar conduct.

G. The amendments set forth in this Ordinance are the first step in a broader review and update of the City Code to ensure consistency with state law and improve clarity and usability.

H. City Council determines that the amendments contained herein are necessary to ensure compliance with state law and to provide clear and consistent penalty provisions within City Code.

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ORDAINED BY THE COUNCIL OF THE CITY OF FORT COLLINS that Section 1-15 of the Code of the City of Fort Collins is hereby repealed and reenacted to read as follows:

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

(a) Misdemeanor offense: Except as to petty offenses described in Subsection (b) below, traffic infractions described in Subsection (c) below, and any civil infraction specified as such in this Code, any person who shall violate any provision of this Code, the Charter or any provision of any code or other regulation adopted by reference by this Code, by doing any act prohibited or declared to be unlawful thereby, or who shall engage in any business, occupation or activity for which a license or permit is required without having a valid license or permit therefor, or who shall fail to do any act required by any such provision, or who shall fail to do any act when such provision declares such failure to be unlawful or to be an offense or misdemeanor, shall be guilty of a misdemeanor and, upon conviction, shall be punished by the penalty of a fine and any surcharge, or by imprisonment, or by both such fine and imprisonment as specifically provided for such designated level of violation, in addition to any costs which may be assessed or, if no specific level of violation is designated, then all unclassified misdemeanors shall be punished by the penalty of a fine and any surcharge, the total of which is not to exceed two thousand six hundred fifty dollars (\$2,650), or by imprisonment not exceeding one hundred eighty (180) days, or by both such fine and imprisonment, in addition to any costs which may be assessed.

Notwithstanding any provision of this Code to the contrary, where a violation of this Code prohibits conduct that is identical or substantially similar to conduct prohibited by state law, the penalty range imposed shall be the same as the state penalty range for that conduct or offense and shall not exceed the maximum penalty authorized by state law for the corresponding offense.

No person under the age of eighteen (18) years as of the date of the offense shall be subject to imprisonment.

Each day upon which a violation continues shall constitute a separate offense unless some other specific time period is provided for any particular offense.

(b) Petty offense: Any person who shall violate any provision of this Code designated as a petty offense shall be punished by a penalty of a fine and any surcharge, or by imprisonment, or by both such fine and imprisonment as specifically provided for the designated level of violation, in addition to any costs which may be assessed or, if no specific level of violation is designated, for all unclassified petty offenses shall be punished by a fine and any surcharge, the total of which is not to exceed two thousand six hundred fifty dollars (\$2,650), and shall not be subject to imprisonment on account of such judgment.

Notwithstanding the provisions of this subsection (h), the maximum fine for a violation of the Code of the City of Fort Collins Article III, Chapter 12 (smoking in public areas) shall be not more than five hundred dollars (\$500).

Notwithstanding any provision of this Code to the contrary, where a violation of this Code prohibits conduct that is identical or substantially similar to conduct prohibited by state law, the penalty range imposed shall be the same as the state penalty range for that

conduct or offense and shall not exceed the maximum penalty authorized by state law for the corresponding offense.

(c) Traffic offense: 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 designated 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 two thousand six hundred fifty dollars (\$2,650), and shall not be subject to imprisonment on account of such judgment.

Except as provided in Subsection (g) below, a law enforcement officer, code enforcement officer, the City Attorney or their designees may request that the Municipal Judge order restitution of direct out-of-pocket costs incurred by any victim of a misdemeanor. By way of illustration, such direct out-of-pocket costs may include, but need not be limited to, costs to repair or replace damaged property, medical insurance deductibles, or medical costs directly paid and unreimbursed by any entity other than the victim or the victim's parent or guardian.

(d) Assessment of traffic calming surcharge: A surcharge of thirty-five dollars (\$35) shall be assessed by the Municipal Court as set forth in this Section and shall be in addition to court fines, costs, other surcharges and fees. Said surcharge shall be assessed against any person who:

- (1) After a trial or hearing is found guilty of operating a motor vehicle in violation of any provision of the Fort Collins Traffic Code for which the Department of Revenue has assigned a penalty of one (1) or more points;
- (2) Pleads guilty or no contest to, or enters an Alford plea to, any such violation pursuant to any plea agreement; or
- (3) Accepts an early payment discount in a case where the citation was issued for such a violation.

Said surcharge shall be assessed at the time of disposition by the Municipal Court and shall be dedicated by the Finance Department and exclusively spent for traffic-calming expenditures, including, but not limited to, training, education, signage, facilities, public education and additional traffic enforcement police officers and equipment.

(e) Civil Infraction: Except as provided in Paragraph (4) below, any person found responsible for a violation of this Code designated as a civil infraction shall pay a civil

penalty for such infraction of not more than two thousand six hundred fifty dollars (\$2,650). Said amount may be adjusted for inflation on January 1 of each calendar year. For the purpose of this provision, inflation shall mean the annual percentage change in the United States Department of Labor, Bureau of Labor Statistics, consumer price index for Denver-Boulder, all items, all urban consumers, or its successor index, plus costs, damages and expenses as follows:

(1) Each act of violation and every day upon which a violation occurs shall constitute a separate violation.

(2) A person found responsible by the Municipal Court or Referee for any violation of this Code charged as a civil infraction shall pay the penalty and costs assessed, which may include all costs, direct and indirect, which the City has incurred in connection with the civil infraction. In addition, the Municipal Judge or Referee may issue any orders necessary to abate a nuisance.

(3) If a defendant fails to answer a citation for a civil infraction or notice to appear in court or before a Referee for such infraction, a default judgment shall enter in the amount of the civil penalty plus all costs, expenses and damages. In the event a defendant fails to pay a civil penalty, costs, damages or expenses within thirty (30) days after the payment is due or fails to pay a default judgment, the City may pursue any legal means for collection and associated costs for collection, in addition, may obtain an assessment lien against the property that was the subject of the violation if the Code violation is designated as a nuisance in Chapter 20, is a violation of any civil infraction contained in Chapter 5, 12, 20, 24 or 27, or is a violation of Land Use Code Division 5.14 and was committed by an owner or tenant of the property.

(4) If a person who is alleged to have committed a violation of any provision of this Code that does not have a state equivalent offense and is classified as a civil infraction who has been found liable for two (2) or more such violations within the twelve-month period immediately preceding the new alleged violation, then, whether or not the previous violations were committed at the same premises as the new alleged violation, the new alleged violation may be charged as an unclassified misdemeanor criminal offense that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Section.

Notwithstanding any provision of this Code to the contrary, where a violation of this Code prohibits conduct that is identical or substantially similar to conduct prohibited by state law, the penalty range imposed shall be the same as the state penalty range for that conduct or offense and shall not exceed the maximum penalty authorized by state law for the corresponding offense.

(g) Restitution: Restitution through Municipal Court shall not be available for victims of traffic infractions or traffic misdemeanors.

Any person convicted of violating the provisions of Chapter 4, Animals and Insects; Chapter 17, Miscellaneous Offenses; or Chapter 20, Nuisances, shall reimburse the City for costs incurred by the City or Poudre Fire Authority in enforcing the provisions of said sections if such enforcement required the use of an extraordinary number of personnel, highly trained personnel, sophisticated equipment or nontraditional methods of enforcement. The amount of such restitution shall be apportioned among multiple defendants involved in the same criminal episode as deemed appropriate by the Municipal Judge, taking into consideration the behavior of the defendant(s), the amount and kind of expenses incurred by the City or Poudre Fire Authority, the number of participants involved in the criminal activity and such other circumstances as the Municipal Judge may consider relevant. Notwithstanding the foregoing, if another provision of the Code imposes a more specific restitution requirement than the requirement imposed by this Section, then the Code provision which requires the greater amount of restitution will control.

(h) Penalty: For offenses committed on or after December 22, 2025 misdemeanors are divided into three (3) classes, and petty offenses are divided into two (2) classes that are distinguished from one another. The penalties in this section apply to all open, pending, and active cases, and all suspended sentences or revocations on or after that date. Unless otherwise specified, the following penalty ranges apply:

Fort Collins Penalty Reference Table

Classification	Jail	Fine
Unclassified Misdemeanor (M)	Up to 180 days	Up to \$2,650
Class 1 Misdemeanor (M1)	Up to 364 days	Up to \$1,000
Class 2 Misdemeanor (M2)	Up to 120 days	Up to \$750
Unclassified Petty (P)	0 jail	Up to \$2,650
Petty Offense (PO1)	Up to 10 days	Up to \$300
Misdemeanor Traffic 1 (MT1)	Up to 1 year	Up to \$1,000
Misdemeanor Traffic 2 (MT2)	Up to 90 days	Up to \$300
Traffic Infraction (TI)	0 jail	Up to \$2,650
Civil Infraction	0 jail	Up to \$2,650

Introduced, considered favorably on first reading on May 19, 2026, and approved on second reading for final passage on June 2, 2026.

Mayor

ATTEST:

City Clerk

Effective Date: June 12, 2026

Approving Attorney: Dawn Downs

Exhibit: None