

AGENDA ITEM SUMMARY

City Council



STAFF

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SUBJECT

Items Relating to Municipal Court Sentencing and Default Code Updates.

EXECUTIVE SUMMARY

A. Second Reading of Ordinance No. 058, 2026, Amending Certain Provisions of the Code of the City of Fort Collins Concerning Default Judgments to Extend the Time to File a Motion to Set Aside a Default Judgment.

B. Second Reading of Ordinance No. 059, 2026, 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.

These Ordinances, unanimously adopted on First Reading on May 19, 2026, amend provisions of the City Code to align the City's penalty framework and related procedures with recent Colorado Supreme Court decisions in In re People v. Camp and In re People v. Simons as phase 1 of the Municipal Court sentencing Code update.

These decisions clarify that municipalities may not impose penalties that exceed those authorized under state law for substantially similar conduct. The proposed amendments establish a sentencing structure consistent with state law, ensure that municipal penalties do not exceed applicable state limits, and improve clarity within the Code.

The Municipal Court and City Prosecutor's Office have been operating in compliance with these decisions since they were published. The proposed amendments formalize current practice and provide clear guidance moving forward.

Additionally, the two sections of the Code will be updated to increase the time period a defendant has to file a request to set aside a default judgment from seven to fourteen days.

This item has been placed on discussion for second reading for Council to consider amended language to Ordinance No. 059, 2026, Section 1-15(e)(4) to add petty offense in addition to misdemeanor offenses as possible escalation levels for infractions.

STAFF RECOMMENDATION

Staff recommends adoption of the Ordinances on Second Reading, with the requested amendment to Ordinance No. 059, 2026.

"I move to amend Section 1-15 of the City Code, as amended by Ordinance No. 059, 2026, to modify the language in section (e)(4) starting with the clause that reads: "the new alleged violation may be charged" so that the remainder of the subsection reads "as a petty or misdemeanor criminal offense 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 is an unclassified misdemeanor that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Section."

SECOND READING BACKGROUND / DISCUSSION

For second reading of Ordinance No. 059, 2026, staff has requested an amendment to Section 1-15 (e)(4) on page 4 of the Ordinance so that it would read as follows:

(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 a petty or misdemeanor criminal offense as specifically provided for such designated level of violation, in addition to any costs which may be assessed. If no specific level of violation is designated, then the offense is an unclassified misdemeanor that is subject to a penalty or imprisonment, costs, fees and any other orders imposed in accordance with this Section.

FIRST READING BACKGROUND / DISCUSSION

On December 22, 2025, the Colorado Supreme Court issued decisions in In re People v. Camp and In re People v. Simons, holding that municipal sentencing schemes that impose harsher penalties than state law for the same or substantially similar conduct are preempted by state statute. The ruling does not impact traffic infractions.

In response to these decisions, the City Attorney's Office, in coordination with the Municipal Court, promptly reviewed and updated prosecutorial and judicial practices. Since issuance of the decisions, the Municipal Court has not imposed any sentence that exceeds the limits authorized under state law.

No individuals are currently in custody serving a sentence that would be considered unlawful under the Camp and Simons decisions.

The proposed amendments represent a coordinated, phased update to the City Code and include three ordinances:

Amendments to Section 1-15 (General Penalties):

This Ordinance repeals and reenacts Section 1-15 to establish a sentencing framework aligned with state law, clarify penalty classifications, and ensure that penalties for substantially similar conduct do not exceed state-authorized limits.

Amendments to Default Judgment Provisions:

This Ordinance updates two Code provisions to extend the time period within which a defendant may file a motion to set aside a default judgment, improving access to the court process and ensuring consistency with current municipal court practices.

Phase 2 of the Municipal Court sentencing updates will be brought to Council soon and will address the penalty range for specific offenses in the Code that have a state law equivalent charge.

KEY CONSIDERATIONS

Compliance with State Law: The Ordinances ensure the City's penalty provisions comply with state law and recent Supreme Court guidance.

Current Practice Already Aligned: The Municipal Court and prosecutors are already applying these standards; the Ordinances formalize those practices.

Risk Mitigation: Updating the Code reduces potential legal challenges related to sentencing and provides clearer notice to defendants and the public.

Phased Approach: These initial Ordinances represent the first phase of a broader effort to align the City Code with state law and improve clarity and consistency. The second phase will address the penalty range for specific offenses in the Code.

CITY FINANCIAL IMPACTS

There is no significant direct financial impact associated with these amendments.

BOARD / COMMISSION / COMMITTEE RECOMMENDATION

None.

PUBLIC OUTREACH

The City has received correspondence from external organizations regarding the Camp and Simons decisions. Staff will continue to bring forward other changes to Council as the Code review progresses.

ATTACHMENTS

First Reading attachments available in May 19, 2026, agenda materials at the following link: <https://fortcollins-co.municodemeetings.com/>.

1. Ordinance No. 058, 2026
2. Ordinance No. 059, 2026