

ORDINANCE NO. 140, 2025
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING ARTICLE IV OF CHAPTER 15 OF THE CODE OF
THE CITY OF FORT COLLINS TO UPDATE THE DOOR-TO-
DOOR SOLICITATION PERMITTING PROCESSES

A. In 1938, the City Council adopted Ordinance No. 002, 1938, prohibiting solicitors from going in or upon private residences, public buildings and offices in the City, and declaring such practice to be a nuisance.

B. In 1972, the City Council adopted regulations relating to solicitation at a private premises for the purpose of immediate or future sale of goods, services, or anything of value in Chapter 15, Article IV, Division I, of the City Code (the "Code").

C. In 1994, in response to survey results and input from citizens, City Council approved by adoption of Ordinance No. 041, 1994 the repeal and reenactment Sections 15-106 through 15-108 of Article IV, Division 1 of the Code, with revised language that was intended to better protect the privacy and safety interests of the citizens of the City.

D. In 2002, the City Council further amended Section 15-106, by adoption of Ordinance No. 098, 2002, to clarify that the prohibition of door-to-door solicitation applied only to residential premises, unless a "no trespassing" or "no solicitation" sign was posted at or near the entrance of a business premises.

E. On May 27, 2011, the City's prohibition on commercial door-to-door residential solicitation was updated and replaced with the current permit system to regulate such solicitation by City Council adoption of Ordinance No. 060, 2011, reflecting evolving First Amendment jurisprudence.

F. The current door-to-door solicitation permit system remains an effective regulatory scheme; however, the permits pursuant to Code are issued to individual solicitors, which is inconsistent with other types of City licensing or permitting processes which require a business owner to be responsible for the regulatory compliance of its employees, representatives, or agents.

G. A review of the current door-to-door solicitation permit system also demonstrates opportunities to create administrative efficiencies and savings by shifting primary responsibility for compliance on business owners.

H. Council concludes that amendments to align the requirements of Article IV, Division 1 of the Code with other City licenses and permits will consistency in City regulation, efficient use of public resources, and continuation of the program to serve the privacy and safety interests of City residents.

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 Chapter 15, Article IV, Division 1 of the Code of the City of Fort Collins is hereby amended to read as follows:

ARTICLE IV.
AUCTIONS, SPECIAL SALES AND
SOLICITATIONS

Division 1

Door-to-Door Solicitation

Sec. 15-106. Title; purpose.

...

(b) The provisions of this Division are intended to balance the First Amendment rights of residential solicitors in the City with the privacy, safety, health and welfare, of the City residents by:

(1) Requiring all commercial solicitors to conduct any door-to-door residential solicitation within the City pursuant to a permit and in compliance with this Division;

...

Sec. 15-107. Definitions.

The following words, terms and phrases, when used in this Division, shall have the meanings ascribed to them in this Section:

...

Door-to-door commercial solicitation means attempting to make personal contact with a resident at their residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

...

Door-to-door noncommercial solicitation means attempting to make personal contact with a resident at their residence, without prior specific invitation by or appointment with the resident, for the primary purpose of:

...

Sec. 15-109. No-solicitation list for commercial solicitations.

(a) Any owner or lawful occupant of any residence within the City who wishes to prohibit door-to-door commercial solicitation at their residence may register the address of such residence with the City by completing a form prepared by the Financial Officer, which form may be submitted to the City either in person, by mail, or on the City's website. Such registration shall take effect thirty (30) calendar days after the date of the City's receipt of the registration form.

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Sec. 15-110. Permit required for all commercial solicitors.

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(b) All permits shall be issued in the name of the applicant. It shall be the sole responsibility of the permit holder to:

(1) Provide a copy of the permit to each person authorized to engage in solicitation under the permit;

(2) Ensure that each person authorized to solicit under the permit is wearing a visible identification badge with the name of the employer, permit holder, or commercial business represented; and

(3) Ensure that each person authorized to solicit under the permit complies with the terms and conditions of the permit and with the provisions of this Division;

(c) The Financial Officer shall, within ten (10) business days of the City's receipt, via mail or in person, of a complete application for a permit under this Division, issue such permit, unless the Financial Officer determines that the permit application is denied under the criteria stated in § 15-115.

Sec. 15-111. Application contents; fees.

(a) Each person applying for a door-to-door commercial solicitation permit shall file with the Financial Officer an affidavit on a form supplied by the Financial Officer stating:

(1) The full name, business address and business telephone number of the applicant;

(2) Information regarding the business as required by the Financial Officer, including, without limitation, its legal status and proof of registration with, or a certificate of good standing from, the Colorado Secretary of State;

(3) A brief explanation of the nature of the solicitation activity that requires a permit under this Division;

(4) If the applicant is a foreign corporation or an employee of such corporation, the name, address and telephone number of an agent for process residing in the state;

(5) Proof that the applicant has obtained a valid City sales and use tax license;

(6) Any other information determined to be relevant by the Financial Officer.

(b) At the time of application, each applicant shall pay a nonrefundable fee in an amount determined by the Financial Officer to be sufficient to defray the costs incurred by the City in processing the application.

Sec. 15-112. Duration of permit; renewal.

. . .

(b) Any permit holder wishing to renew a permit issued under this Division must apply for the renewal of the permit no less than thirty (30) days prior to the expiration of its term. If a permit holder fails to apply for such renewal within said thirty (30)-day period of time, the permit will expire. The nonrefundable renewal fee for each permit holder shall be determined by the Financial Officer in an amount sufficient to defray the costs incurred by the City in processing the renewal application.

. . .

Sec. 15-114. Reserved

Sec. 15-115. Denial of permit.

The Financial Officer shall deny an application for a permit or any renewal of a permit under this Division if the Financial Officer determines that the applicant has:

(1) Made any material misrepresentation or false statement in the application for the permit; or

(2) Failed to obtain a sales and use tax license as required by the City or to remit any sales tax due the City.

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Sec. 15-117. Reserved

. . .

Sec. 15-120. Reserved

Sec. 15-121. Suspension, revocation or nonrenewal of permit.

After written notice of no less than ten (10) calendar days and a hearing if requested in writing by the permit holder within twenty (20) calendar days after the date of the mailing of such notice, the Financial Officer may suspend and revoke the permit of any permit holder or if the permit holder or its commercial solicitors have engaged in any unlawful solicitation. The grounds for such suspension or revocation may include, but shall not be limited to, the following:

- (1) Fraud, misrepresentation or false statement in the application for the permit or any renewal application, including, without limitation, representations made as to the criminal history of any person to be authorized to solicit under the permit;
- (2) Failure to obtain a sales and use tax license as required by the City or to remit any sales tax due the City;
- (3) Failure to supervise solicitation conducted under the permit so as to reasonably ensure that such solicitation is in compliance with the terms and conditions of the permit and with the provisions of this Division; or
- (4) Authorizing, condoning or knowingly tolerating any unlawful solicitation or any solicitation conducted in such a manner as to constitute a menace to the health, safety or general welfare of the public.

In the event the alleged conduct that is the basis for the suspension or revocation of the permit is the subject of a pending criminal or non-traffic civil citation, the Financial Officer may either defer their decision regarding suspension or revocation until such citation has been resolved or immediately proceed with the foregoing administrative action prior to the resolution of such citation.

Sec. 15-122. Emergency summary suspension of permit.

- (a) If reasonable grounds exist to believe that the permit holder or its commercial solicitors have engaged in illegal activity such that the public health, safety or welfare imperatively requires emergency action, the Financial Officer may summarily suspend the permit issued under this Division pending the outcome of the proceedings set forth in § 15-120 or § 15-121 above, as applicable.
- (b) The temporary suspension of a permit without notice pending a hearing shall be for a period not to exceed fifteen (15) days.

Sec. 15-123. Reserved

Sec. 15-124. Reserved

Sec. 15-125. Reserved

Sec. 15-126. Appeal.

An applicant may appeal any decision relating to the applicant's permit by the Financial Officer or hearing officer to the City Manager in accordance with Chapter 2, Article VI of the City Code. The City Manager's decision is final and not subject to further appeal.

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Sec. 15-128. Violations and penalties.

In addition to the revocation, suspension or denial of a permit issued under this Division, any applicant, permit holder, or solicitor who violates any of the provisions of this Division, and any person who violates §§ 15-108, 15-109, 15-115 or 15-117, shall be guilty of a misdemeanor punishable in accordance with § 1-15.

Introduced, considered favorably on first reading on August 19, 2025, and approved on second reading for final passage on September 2, 2025.

Mayor

ATTEST:

City Clerk

Effective Date: September 12, 2025

Approving Attorney: Dianne Criswell

Exhibit: None