

ORDINANCE NO. 181, 2024
OF THE COUNCIL OF THE CITY OF FORT COLLINS
AMENDING SECTION 17-124(3) OF THE CODE OF THE CITY
OF FORT COLLINS TO COMPORT WITH STATE LAW
REGARDING DISORDERLY CONDUCT

A. In 2021, the state statute for the offense of Disorderly Conduct, Colorado Revised Statute Section 18-9-106(1)(f), was amended to update the language and include reference to the use of a simulated firearm, effective March 1, 2022.

B. Currently the analogous City Code Section 17-124(3) does not contain the simulated firearm language. This Code update would adopt the same language to comport with state law for Disorderly Conduct offenses.

C. There have been factual situations in the City where a party was not held accountable under City Code Section 17-124(3) Disorderly Conduct because the firearm used was simulated firearm instead of a real firearm, however it caused the same alarm to the victim as a real firearm.

D. Amending this Code section to track state law will help provide clarity and allow for a more fair and equitable application of the law in Municipal Court.

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 17-124(3) of the Code of the City of Fort Collins is hereby amended to read as follows.

Sec. 17-124. - Disorderly conduct.

It is unlawful for any person to intentionally, knowingly or recklessly:

...

(3) Not being a peace officer, displays a ~~deadly weapon~~ real or simulated firearm, displays any article used or fashioned in a manner to cause a person to reasonably believe that the article is a firearm, or represents verbally or otherwise that they are armed with a firearm in a public place in a manner calculated to alarm and does alarm another person;

Introduced, considered favorably on first reading on December 3, 2024, and approved on second reading for final passage on the December 17, 2024.

Mayor

ATTEST:

City Clerk

Effective Date: December 27, 2024
Approving Attorney: Alyssa Bamonti